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INTRODUCTION

1. This report is submitted in response to the guidelines issued by the supervisory bodies established under the treaties, covenants and conventions on human rights. It is made up of chapters on the land and people, the general political structure, the general framework within which human rights are protected and information and publicity. Each chapter offers a brief informative overview of the most relevant elements within the State of Guatemala.

2. The data concerning the population must be viewed with appropriate reservations, since the sources consulted are not always up to date; in addition, some information is not available. Consequently for some items estimates have been made on the basis of data which is not always reliable.

3. The Government of Guatemala is aware of the lack of reliable sources of information, since the institutions concerned are processing data relating to 1992.

4. As regards the general political structure, a brief historical survey has been prepared covering the period running from before the arrival of the Spaniards up to the present day in order to provide a perspective permitting an understanding of the country's social, political and economic problems.

5. The section on the general framework within which human rights are protected compares international law with Guatemala's domestic legislation and shows that those rights are fully protected under the Constitution and general legislation.

6. On the subject of information and publicity, descriptions are provided of each of the individual measures in this field being taken within Guatemala in order to secure wider dissemination of information concerning knowledge of, respect for and enforcement of human rights.

7. With these considerations in mind the present report is submitted to the Commission on Human Rights.

I. LAND AND PEOPLE

A. Geographical data

1. Location

8. The Republic of Guatemala is the northernmost of the countries of Central America. Its boundaries touch Mexico on the north and west, the Atlantic Ocean, the Caribbean Sea, Honduras and El Salvador on the east and the Pacific Ocean on the south. It has a total area of 108,889 sq. km and is located between latitude parallels 13° 44 and 18°30 N. and longitude meridians 87° 24 and 92° 14 W.

9. It has a land area of approximately 106,320 sq. km (equivalent to 10,639,000 ha). Lakes and rivers occupy approximately 2,569 sq. km (the equivalent of 250,060 ha).

2. Climate

10. The climate in Guatemala varies from temperate to torrid and from humid to prehumid; but there are microclimatic variations.

11. The average temperature over the year varies between 28° C. in the coastal areas and 10° C. in the highlands. The maximum and minimum temperatures encountered in individual regions range from 42° C. to - 5° C.

12. The average annual rainfall over the country as a whole is 2,218 mm. In the altiplano it averages 1,600 mm annually. There are areas with an annual rainfall of as little as 500 mm and others in which as much as 6,000 mm is reported. The principal contributory factor to the rainfall is the meeting of two tropical systems; but tropical cyclones and cold fronts of Arctic origin also have an influence.

3. Hydrography

13. The Pacific coastal region has an area of approximately 23,380 sq. km. It is a band of territory almost parallel to the Pacific coast and extending from the peak of Niquihuil, on the Mexican frontier, to close to the mountain crest marking the meeting point of the frontiers of Guatemala, El Salvador and Honduras.

14. The region facing the Gulf of Mexico has an area of approximately 52,910 sq. km. Its boundary extends from the end of the Pacific coastal region to the altiplano of the department of Totonicapán; follows the crestline forming the boundaries of the catchment area of the Motagua river, which flows into the Atlantic; continues along the crestline forming the beginning of the basin of the Polochic river (which flows into Lake Izabal) and the Cahabón river; skirts the edges of the Sierra de Chamá (or Santa Cruz); and finally cuts across part of the department of El Petén and the territory of Belize.

15. The Caribbean coastal region has an area of approximately 32,610 sq. km. It consists of the basins of the rivers which flow into that sea.

16. There are over 300 lakes and lagoons in the country. The largest is Lake Izabal, with a surface area of approximately 590 sq. km. The largest river is the Usumacinta, with a reported average flow of 1,776 cu.m/sec. Other major rivers are the Motagua, with an average flow of 189 cu.m/sec, and the Cahabón, with an average flow of 166 cu.m/sec.

17. Usable underground water is found mainly in the Pacific coastal region, the volcanic valleys of the altiplano and the valleys of the principal rivers.

4. Forests

18. The inhabited (bioclimatic) areas have been classified, using the Holdridge method, in 14 major categories. These are:

- xerophytic subtropical;
- dry subtropical;
- wet temperate subtropical;

- wet warm subtropical;
- very wet warm subtropical;
- very wet cold subtropical;
- wet hilly subtropical;
- rainy hilly;
- wet mountainous subtropical;
- very wet mountainous subtropical;
- dry hilly subtropical;
- rainy subtropical;
- very wet subtropical.

5. Structural geology of regions

19. Guatemala is located between two of the principal geological plates (or faults) in the Americas : the Caribbean plate and the Cocos plate in the Pacific ocean. This location makes Guatemala an area with a high level of seismic activity. Its surface regions are:

(a) The Pacific coastal plain is a uniformly flat region lying between the coastline and the hilly area, rising to a height of 850 metres above sea level, consisting in particular of a series of closely interconnected alluvial valleys. Until some 40 years ago this region was one of thick and abundant forest. Today it is given over to intensive agriculture, stock-rearing and agro-industrial production, and mainly to the cultivation of agricultural produce for export. Typical of this region are the large areas of savanna and high water table levels and the mangrove forests in the coastal areas, where the animal wildlife generally has been decimated to such an extent that certain species have become extinct.

(b) The volcanic chain is a strip of territory consisting of mountainous volcanic slopes. It begins at the contour line of 550 metres above sea level and reaches a height of 4,211 metres above sea level at the peak of Tajamulco volcano. It consists of two regions : a lower part, adjacent to the coastal area, and a higher part covered with cloud forest. Each of the volcanoes in the country has a specific flora and fauna which together form communities; some groups have adapted to the altitude to an extent which prevents them from expanding beyond the area of their particular volcanoes. In other words, each volcano is a bio-island the population of which cannot leave it. There are 33 volcanoes in Guatemala, all of them forming part of the chain which runs parallel to the Pacific. The volcanoes of over 3,000 metres in height include Tajamulco (4,220 m), Tacaná (4,092 m), Acatenango (3,935 m), Agua (3,766 m), Fuego (3,763 m), Santa María (3,700 m) and Atitlán (3,536 m).

(c) The crystalline and sedimentary uplands form an extensive region made up of a mixture of mountain peaks and volcanic cones, plains and enclosed valleys. It comprises almost half of the country's land

area and extends from the crestline of the Pacific chain in the south to the foothills of the Los Cuchumatanes, Chamá and Las Minas mountain ranges in the north. The complexity of the relief of this region has had a decisive influence on the geographical distribution of the different forms of life, particularly as different combinations of winds, temperatures, rainfall and humidity exist in particular areas.

(d) The lowlands of El Petén form a large region extending northwards from the foothills of the Cuchutumanes system and the northerly limit of the uplands. They embrace the northern areas of the departments of Huehuetenango, El Quiché and Alta Verapaz and the department of El Petén. They include the lowlands along the Atlantic coastline and the catchment area comprising Lake Izabal, the Dulce river, the Polochic river delta and the lower part of the Motagua valley.

6. Terrain

20. According to the FAO/UNESCO system of soil classification there are 13 types of terrain in Guatemala. Seventy per cent of the land is suitable for forestry and 26% for intensive agricultural production. The most fertile terrains are used for the cultivation of agricultural produce for export and for stock-rearing.

21. Intensive agriculture is also engaged in to produce crops for domestic consumption; the principal crops are maize and kidney beans (frijoles). These are grown in areas in which the population density is highest, i.e., in the altiplano. In these areas the soil is deteriorating rapidly on account of slash-and-burn cultivation methods and contamination through the use of agrochemicals to increase productivity; the vegetable topsoil is being lost, forestry production and water supplies are diminishing, the soil temperature is rising and components of the ecosystem and elements of biodiversity are being destroyed, affecting the quality of life of humans.

22. The classification of terrains in Guatemala is as follows:

(a) First-quality arable land: approximately 9,456 sq. km. Most of this land is flat; slopes are of less than 4%. This land is for intensive agriculture and stock-rearing.

(b) Second-quality arable land: approximately 8,532 sq. km. This consists of gently undulating plains with slopes of less than 8%. Intensive and highly intensive use.

(c) Forest and multiple-use land: approximately 29,667 sq. km. Feasibility studies are needed to determine its true potential for agriculture, forestry and stock-rearing. No descriptive studies have been undertaken on these lands to obtain basic information.

(d) Primarily forest land: approximately 46,996 sq. km. These lands are destined for forestry, although small areas within them could be adapted for agricultural purposes.

(e) Karst: approximately 18,259 sq. km., being part of these 46,996 sq. km. which fall within the category of primarily forest land. This is the most fragile ecosystem in Guatemala.

(f) Land to be managed in the light of environmental conditions: approximately 10,818 sq. km. These lands are suitable mainly for the planting of deciduous trees, but there are small areas suitable for coniferous and mixed planting. The topography varies from intricate to highly intricate.

(g) Wetlands and marshland: approximately 2,625 sq. km. If properly drained they could be used intensively; they are natural "cushion" zones.

7. Flora

23. Guatemala has a wide variety of types of geographical zones; this has permitted the development of an extremely varied flora. In addition to those which are indigenous to the area, there are a number of species which originally developed in Europe or the East.

24. There are many different types of ornamental and medicinal flowers; their number is estimated at approximately 10,000. The varieties indigenous to Guatemala include flor de peña, annatto, katurai, cuscuta, agave, broom, various varieties of palm, liana, snapdragons, monte de oro, campanula, flowering banana, guayacum, flowering cacao, mano de león, matilaquate, acamayo, matapalo, houndstooth, tronadora, flor de muerto and poinsettia.

25. Monja blanca is an orchid and is considered as the national flower. There is a great variety of orchids; 242 different varieties are to be found in the following departments: Alta Verapaz : 111 in Izabal; 110 in Huehuetenango; 116 in Guatemala City; 75 in Chimaltenango; 72 in Chiquimula and Zacapa; 72 in Quetzaltenango; 59 in San Marcos; 58 in Santa Rosa; 57 in El Petén; 47 in Sololá and 40 in the rest of the country.

8. Fauna

26. As a result of the variety of climatic conditions in the country, a wide range of animal species are found. These include:

(a) mammals: opossum, shrews, bats, pacas, coyote, mountain cat, badger, squirrel monkey, skunk, weasel, puma, ocelot, mountain lion, jaguar, deer, squirrel, marmot, mountain and water rats;

(b) birds: these are found in the different regions as follows:

(i) In the Totonicapán highlands: ocellated turkey, reyezuelo hummingbird, mountain partridge, mountain starling, raven, woodland shara, robin, fishing hawk, savanna doves;

(ii) In the Caribbean lowlands: cobancho, common turkey, white hummingbird, harpy eagle, Yucatan shara, red parakeet, marsh cock, large partridge, scarlet macaw, Petén turkey, yellow-headed lory, jaulín collarejo, savanna doves;

(iii) In the Pacific lowlands: red hummingbird, red parakeet, green virello, marsh cock, red-beaked dove, orange-crested partridge, magpie, chinchirrin, savanna dove, white-crested lory, torrejo de antifaz;

(iv) In the arid zones: orange-crested partridge, jaulín collarejo, tolobajo, fishing hawk, red hummingbird, torrejo de antifaz.

(c) Species in danger of extinction:

(i) Reptiles: cecilia, sea turtle, river and marsh crocodiles, cayman, iguana, scorpion, masacuata, sumbador, lizard, snakes such as coral snakes, emerald boa, rock snake, rattlesnake, puff adder;

(ii) Mammals: howler monkey, Central American coypu, mountain lion, manatee, ant-bear, dolphin, wild pig, wild boar;

(iii) Birds: Barbary duck, jabirú, harpy eagle, peregrine falcon, ocellated turkey, green guacamaya, hawk eagle, partridge, lory, budgerigar, tecolote and buho owls, barn owl, dove, sparrow, hummingbird.

B. Political and administrative structures

1. Departments and numbers of inhabitants

27. Guatemala is divided into 22 departments as follows:

	Department	No. of inhabitants
1.	Guatemala City	1,932,953
2.	Alta Verapaz	538,772
3.	Baja Verapaz	179,472
4.	Izabal	179,427
5.	Zacapa	102,672
6.	Chiquimula	169,697
7.	El Progreso	124,672
8.	Jutiapa	273,172
9.	Jalapa	241,272
10.	Santa Rosa	254,272
11.	Sacatapéquez	224,772
12.	Escuintla	566,972
13.	Chimaltenango	168,972
14.	Quetzaltenango	443,772
15.	San Marcos	623,772
16.	Totonicapán	282,672
17.	Sololá	235,272
18.	Retalhuleu	307,672
19.	Suchitipéquez	282,672
20.	Huehuetenango	652,272
21.	El Quiché	538,572
22.	El Petén	280,111
	Total	8,663,859

2. Regional divisions

28. Article 3 of Congressional Decree No. 70-86 (Preliminary Regionalization Act) provides that "for the purposes of the administrative structuring of the territory and the functioning of the Regional Urban and Rural Development Councils, regions are hereby established, to be constituted preferably on a basis of interrelationships between urban centres and the development potential of the surrounding areas, as follows:

I. Metropolitan region: to consist of the department of Guatemala City.

II. Northern region: to consist of the departments of Alta and Baja Verapaz.

III. North-eastern region: to consist of the departments of Izabal, El Progreso, Zacapa and Chiquimula.

IV. South-eastern region: to consist of the departments of Santa Rosa, Jutiapa and Jalapa.

V. Central region: to consist of the departments of Chimaltenango, Sacatapéquez and Escuintla.

VI. South-western region: to consist of the departments of San Marcos, Quetzaltenango, Totonicapán, Sololá, Retalhuleu and Suchitipéquez.

VII. North-western region: to consist of the departments of Huehuetenango and El Quiché.

VIII. Petén region: to consist of the department of El Petén."

3. Municipalities

29. Administratively, the country is divided into 330 municipalities, which enjoy self-government and implement their own development plans, for which purposes they use their own resources and 8% of the national income and expenditure budget as provided for in the Political Constitution of the Republic.

C. Data on infrastructure and services

1. Road and transport system

30. Their are approximately 12,238 linear km of roadways, of which 25% are paved roads, 42% all-weather unpaved roads and 33% unpaved roads usable only in dry weather.

31. The road network links Guatemala City with the rest of the country, and particularly with the departmental capitals, the principal ports and the most important frontier posts.

32. The regions with the lowest road network densities are regions II, III, VII and VIII; these are precisely the regions with the highest proportions of unpaved roads usable only in dry weather.

33. The departments with the lowest road network densities (even of unpaved roads usable only in dry weather) are: El Petén, Izabal, Alta Verapaz, Huehuetenango, El Quiché and Baja Verapaz.

34. Passenger transport services are provided to a considerable degree by interurban buses, which also transport goods.

35. Transport services operate mainly to and from Guatemala City, and to a lesser degree to and from Quetzaltenango City. This explains why 60% of all public transport vehicles are concentrated in regions I and VI.

36. In 1987, there were 2,848 interurban buses in Guatemala, transporting 364,544 passengers every day (an average of 128 passengers per vehicle and per day).

37. Mixed transport modes constitute a transport network of considerable economic importance. Although they do not of themselves constitute an actual transportation system, they do carry a substantial proportion of goods transported as well as passengers.

38. On the national plane, lorries are the principal means of transport of goods.

39. Air transport consists of commercial, private and military services. Commercial air transport operates on an international basis directly with 20 companies and with 5 others through stopovers.

40. In 1989, 17,749 international flights into and out of La Aurora airport were recorded.

41. At the regional level the main component of traffic is tourist traffic, mainly on the Guatemala City - Tikal route (the principal destination being Santa Elena).

42. There is little private traffic; services are offered by small private aircraft. They cater for agro-industrial production areas or zones which, for ecological operating reasons or on account of accessibility problems, use small aircraft regularly to carry loads averaging 1,000 kg. Thus at the national level the areas principally served are the coastal areas in regions V and VI and parts of regions I, III, VII and VIII.

43. The military transport services participate in support activities for local peasant production in some areas which are difficult of access, principally in regions II, VII and VIII.

44. There are two international airports in the country: the most important (La Aurora) is at Guatemala City, and the other is at San Benito, Petén (region VIII). Both are mixed (civil and military).

45. The lesser aerodromes are concentrated for the most part in region VI (34% of all airstrips) and mainly in the departments of Escuintla, Retalhuleu, Suchitipéquez, San Marcos, Izabal, Quiché and Poptún (Petén). Four of them are for military use only.

2. Railways and rail transport

46. Rail transport is an alternative mode for passengers and for the transport of heavy, non-perishable goods.

47. The railway network consists of four lines, three of which are operational: (1) Guatemala City - Puerto Barrios, which serves regions I and III and carries the greatest volume of goods (principally bananas); (2) Escuintla - Tecún Umán, which serves regions V and VI; it carries an average volume of goods, mainly coffee and sugar; and (3) Guatemala City - San José, which serves regions I and V.

48. The technology base is diesel traction, and the tracks are narrow-gauge. In 1987 the rail network transported 700,000 metric tons of goods, but in 1988 it transported only 425,000 tons - 275,000 tons less. Of these totals, 16% consisted of bananas, 25% other export products, 29% imported products, 27% domestically-produced goods in local transport and 3% parcel post.

3. Seaports and water transport routes

49. Guatemala currently has an operating capacity of 8.7 million metric tons at its seaports.

50. On the Atlantic seaboard, serving region III, there are two ports - Santo Tomás de Castilla and Puerto Barrios, which between them possess 42.5% of the country's total capacity and in 1988 handled 75% of all the country's port traffic. On the Pacific coast, serving region V, there are three seaports - San José, Quetzal and Champerico, with respectively 11.5%, 34.0% and 11.5% of the country's port traffic capacity.

4. Transport by water

51. In Guatemala the principal rivers and lakes are used for local and regional transportation of goods and passengers. The principal inland waterways used are: the Usumacinta (region VIII), the Sarstún (region III), the Polochic (regions II and III), the Motagua (regions I, II and III), the Dulce (region III) and the Chiquimulilla canal (regions IV and V). The principal lake transport routes are on lakes Flores (region VIII), Izabal (region III) and Atitlán (region VI).

5. Electric power supplies

52. The electricity-generating capacity of the country is 59% hydro-electric, 22% from gas turbines and 15% from steam power.

53. Electricity generation is distributed by region as follows: 35.9% in region V, 34.0% in region II and 14% each in regions I and VI.

54. The largest producer of electricity is the department of Alta Verapaz, which generates 29% of national consumption and 57.3% of the country's hydroelectric power, followed by Santa Rosa (14% of national consumption and 23.5% of the country's hydroelectric power) and Escuintla (12.8% of national production and the greatest diversity of sources of power, including in particular 64.3% of gas turbine generation).

55. The transmission networks centre mainly on region I, part of region VI and the departmental capitals.

56. Region I has the highest consumption, followed by regions V, III and VI in that order.

57. There are manifest supply shortages, especially in region VII, where only 4.7% of population centres are connected to the electricity supply network; and region II, where only 7.3% of the population centres in Alta Verapaz and 7.5% of those in Baja Verapaz are supplied. This situation is all the more striking as this region is the country's largest producer of electric power.

58. The National Electrification Institute has plans to extend the network and to facilitate access by means of transformer substations and through the national grid.

59. Total electricity consumption in the country, according to data for 1986, is 1,493,198,4 thousand kW. Consumption by the industrial sector amounts to 528,660,3 thousand kW (35.4% of the total) and domestic consumption to 456,443.1 thousand kW. The latter figure reflects the fact that only 18% of households in the country receive electricity supplies.

60. The energy generation potential of the country depends on the flow of the watercourses in each region.

6. Water supplies, irrigation, sewerage

61. As a rule, the administrative centre of each municipal area and each of the principal population centres in the country has at least one aqueduct. In most cases these are managed by the municipal authorities concerned, but there are a few in private hands. However, with a few exceptions all of them are poorly operated and maintained, with the result that levels of water wastage are high.

62. It is estimated that 848,178 dwellings are not connected to the water mains; in other words, 67.34% of the country's population do not have water supplies in their homes.

63. According to data for 1986, 126,782 ha of land are under irrigation throughout the country. Privately-owned systems cover 34,417 ha. Irrigation takes place mainly in regions III (principally in Zacapa), IV (in Jutiapa) and VI (Quetzaltenango).

64. The density of the drainage network in the population centres is lower than that for water supplies. The great majority of drains empty directly into natural water catchment areas without previous treatment of the drainage, with ensuing water contamination.

65. Sewerage exists only in urban areas, and only 15.78% of dwellings have sewerage facilities. In rural areas and in other urban households the majority use cesspools or earth latrines. However, it occasionally happens that, even where a sewerage network has been installed, dwellings situated in the area covered by it have not been connected to it.

7. Telephone, television, radio, postal and telegraph infrastructures and services

66. The majority of the lines in the telephone system are concentrated in region I. Out of the 131,867 lines installed in 1987 in the country as a whole, 82.82% were in the metropolitan region (mainly in Guatemala City itself). Thus most of the developments have fewer than 2,500 lines.

67. The Guatemala Telecommunications Company (GUATEL) has 61 buildings for offices and plant; these also provide operator-assisted telephone services and payphones and community telephones. These buildings are concentrated principally in region VI (17 agencies), region III (13), region V (11) and region I (8). The current telephone technology is being replaced by the digital system.

68. The Government of Guatemala, through GUATEL, is a member of the International Telecommunication Union. International communications are effected through the INTERSALT satellite. GUATEL owns two land-based stations for communication via satellite.

69. Thanks to the international satellites the population is able to use parabolic aerials to receive signals from stations in other countries (both commercial and pay stations). There are also individual firms supplying services of this kind to the urban population. The government supervises this process to ensure compliance with the international regulations on the subject.

70. There are five VHF and four UHF television stations in the country. One of them is governmental.

71. There are 82 FM and AM radio transmitters in the metropolitan area. One of them is national. In the rest of the country there are 70 FM or AM transmitters. Three of them - located in the departments of Quetzaltenango, Totonicapán and El Petén - are national.

72. The Directorate-General for Posts and Telegraphs, which forms part of the Ministry of Communications, Transport and Public Works, has postal and telegraph offices in the administrative centres of a large number of municipal areas.

73. The postal service has a nation-wide average of 1.26 postman and 0.97 letter-box per 10,000 inhabitants. Region I is the best served (with 3.43 postmen per 10,000 inhabitants) and region VII the worst (0.44 postman). The national average for postboxes is 9.50 per 10,000 inhabitants; but the actual density ranges from 29 per 10,000 in region I to 0.67 in region IV.

74. Postal traffic is concentrated in region I, which is the region of origin of 60% of all traffic and the destination of 62%. The maximum density of telegraphic traffic is found in region VI, from which 22% of all telegrams emanate and which receives 29%.

75. There are four daily newspapers appearing in the morning - El Gráfico, Prensa Libre, La República and Siglo Veintiuno - and one evening paper (La Hora). There is an official journal (Diario de Centroamerica) which is published daily.

76. There are several magazines : Crítica, Crónica, Contacto deportivo, Polémica, Adonde Guatemala, Tinamit.

77. Six of the principal radio news bulletins are transmitted in the mornings, at midday and in the evenings. The television systems transmit five local news bulletins and an additional one by cable.

8. The banking system

78. The country's banking system is made up of national and private banks. There is also a wide-ranging network of financial institutions. The system is regulated by Congressional Decree No. 315, which lays down the respective rights and obligations of banks and customers arising from credit and financial transactions. The banks themselves may be commercial, mortgage-orientated, fiduciary or mixed. Thus most banks belong to the private sector; a smaller number of them are subject to a measure of State intervention.

79. The Banking Supervisory Authority is the body responsible for supervision and control of the banking system generally. It supervises and inspects banks, credit institutions, financial establishments, insurance bond companies and other institutions falling within the scope of the relevant legislation. The Monetary Board is responsible for determining the country's monetary and exchange rate policy and for ensuring the stability of and strengthening national savings.

80. The Bank of Guatemala is the financial agency of the State and as such regulates the national economy.

81. Under constitutional reforms designed to safeguard the monetary stability and the creditworthiness of the nation, the Monetary Board is debarred from authorizing the Bank of Guatemala to grant, directly or indirectly, any advance, guarantee or endorsement of a commitment to the State or its decentralized or autonomous agencies or to any private non-banking entity.

82. The national banks are: Banco de Guatemala, Crédito Hipotecario nacional, Banco Nacional de la Vivienda, Banco Nacional de Desarrollo Agrícola, Banco de los Trabajadores.

83. The private banks are: Banco Granai y Townson S.A., Banco Industrial S.A., Banco del Café S.A., Banco del Ejército S.A., Banco de Occidente S.A., Banco Inmobiliario S.A., Banco Agrícola Mercantil S.A., Lloyds Bank plc (Guatemala branch), Banco Uno S.A., Banco del Agro S.A., Banco Internacional S.A., Banco Metropolitano S.A., Banco de la Construcción S.A., Banco Promotor S.A., Citibank S.A. (Guatemala branch), Banco Reformador S.A., Multibanco S.A., Banco Corporativo S.A., Banco Empresarial S.A., Banco del Nororiente S.A., Banco de Comercio S.A., Primer Banco de Ahorro y Préstamo para la Vivienda Familiar S.A., Banco de la República S.A., Banco de Exportación S.A., Banco del Quetzal S.A., Banco Continental.

84. The financial institutions are: Financiera Industrial y Agropecuaria S.A., Financiera Guatemalteca S.A., Financiera Industrial S.A., Financiera de Inversión S.A., Financiera del País S.A., Financiera de Occidente S.A., Financiera de Capitales S.A., Financiera Metropolitana S.A., Corporación

Latinoamericana de Servicios Financieros S.A., Financiera Reforma S.A. There are other institutions awaiting authorization and/or about to begin operations.

85. The deposit takers are: Almacenadora Guatemalteca S.A., Compañia Almacenadora S.A., Almacenadora de Occidente S.A., Almacenes de Depósito de El Crédito Hipotecario Nacional, Almacenes Generales S.A., Almacenadora des Norte S.A., Almacenes y Servicios S.A., Almacenadora del País S.A., Almacenadora de Inversión S.A., Almacenadora Internacional S.A., Centroamericana de Almacenes S.A.

86. The insurance companies are: Seguros de Occidente S.A., Seguridad de Centroamérica S.A., Empresa Guatemalteca CIGNA de Seguros S.A., Seguros Panamericana S.A., Compañía de Seguros Generales Granai y Townson S.A., La Alianza, Aseguradora General S.A., Seguros Universales S.A., Aseguradora Guatemalteca S.A., Departamento de Seguros y Previsión de El Crédito Hipotecario Nacional, Comercial Aseguradora Suizo Americana S.A., Seguros El Roble S.A., Aseguradora La Ceiba S.A.

87. The bonding companies are: Afianzadora Granai y Townson S.A., Fianzas El Roble S.A., Departamento de Fianzas de El Crédito Hipotecario Nacional, Comercial Afianzadora S.A., Fianzas Universales S.A., La Seguridad de Centroamérica S.A., Compañía de Fianzas S.A., Afianzadora Central S.A., Fianzas de Occidente S.A., Afianzadora General S.A., Afianzadora Guatemalteca S.A., Unión Central de Pilotos Automovilistas.

88. There are other credit and financial institutions, namely Instituto de Fomento de Hipotecas Aseguradas (FHA), Departamento de Monte de Piedad de El Crédito Hipotecario Nacional, Casa de Cambio CEI, Servicios Internacionales, Casa de Cambio FOREX S.A., SAQS Casa de cambio, MONEX Casa de Cambio.

9. Health installations and services

89. The Ministry of Public Health and Social Assistance has 785 health centres located throughout the country, while the Social Security Institute has 6 health centres and 16 first-aid posts. At the secondary level there are 220 health centres under the Ministry of Public Health - 32 of type A, with 20-30 beds, and the rest of type B, without in-patient facilities. The Social Security Institute has 35 consultation centres. At the tertiary level there are 35 hospitals under the Ministry of Public Health (7 of them specialized hospitals) with a total of 8,726 beds. The Social Security Institute has 27 hospitals with 2,237 beds. In the private sector there are 83 hospitals with a total of 2,434 beds and between 5,000 and 6,000 doctors practising.

90. Nationwide there are 7.2 doctors, and 1.2 hospital beds, per 1,000 inhabitants. There is an overall deficit of 609 doctors and 4,549 beds.

10. Educational installations and services

91. At the bilingual pre-primary level there are 1,992 schools with 2,341 classrooms. At the nursery pre-primary level there are 750 establishments with 1,541 classrooms. The primary education sector is the one with the largest numbers of establishments - 7,996, with 30,069 classrooms. At the basic comprehensive (básico y diversificado) level there are 583 establishments with

3,843 classrooms and at the comprehensive (diversificado) level there are 115 establishments with 1,016 classrooms.

92. In the bilingual pre-primary system there are 262 establishments with 270 classrooms. At the nursery pre-primary level there are 1,039 establishments with 2,919 classrooms. In the primary sector there are 2,092 establishments, with 8,406 classrooms. At the basic level there are 946 establishments with 5,335 classrooms and at the comprehensive level there are 664 establishments with 4,176 classrooms.

93. There are 5 universities (one State and four private) with a total of 85,000 students. Seventy-five per cent of all the students are at the National University. Each of the universities has its own campus.

11. Recreational and cultural installations and services

94. There is a national theatre in the capital with seating for 1,200 persons which can present artistic performances of any kind. There are also five small theatres and one open-air theatre within the Miguel Angel Asturias cultural centre. There also theatres in the departments; the largest are those in Totonicapán and Quetzaltenango.

95. As regards recreation, there are football grounds in all the departments, at which national and local competitions take place. In Guatemala City there is the Mateo Flores stadium with seating for 40,000 persons. This stadium forms part of a sorts complex which is equipped for practically all official sports practised on an international basis.

96. In the departments the basic and comprehensive schools have sports facilities which can be used by the general public.

97. In the administrative centres of the municipal areas there are parks for rest and recreation and children's playgrounds as well as areas and installations for sports activities. For more active recreational activities there are multi-purpose halls, and sometimes libraries as well. However, in rural areas these services are not available in sufficient quantities, or else they are poorly located.

12. Housing

98. At the national level there is an estimated shortage of 790,700 housing units. This shortage relates primarily to quality and ownership considerations, since the people of the country are housed in informal and formal units often inhabited by several family groups living together.

99. The shortage is increasing every year on account of population growth. This implies that, in order just to keep the growth of the shortage at zero level, at least 42,800 housing units would have to be built every year. In practice this need is met in the majority of cases by informal housing construction, as construction of formal and State housing is limited.

100. It should be mentioned that construction of formal housing is concentrated in region I and, to a much lesser degree, in regions III, V and VI.

D. Economic data

101. According to Bank of Guatemala figures, economic activity within the country, measured in terms of real gross domestic product (GDP at 1958 prices), rose by 4.6% in 1992.

102. This was to be attributed to a considerable degree to the recovery in domestic demand, the level of which is closely associated with the strength of private investment and the increase in private consumer expenditure, which is the principal element in overall demand. The expansion of private investment was due mainly to an increase in construction and in purchases of imported capital goods, while private consumption was stimulated by the slowdown in inflation and in wage and salary adjustments, and in particular the maintenance of earnings in public and private employment at 348 quetzals per month and the approval in November of new minimum wage levels for most branches of activity. Total bank credit to the private sector increased by 34.7% in response to demand from the production, commercial and consumption sectors.

103. During 1992, according to figures on persons covered by the Guatemalan National Social Security Institute, 8,805 new jobs were created in the different branches of economic activity.

104. Between 1989 and 1992 the number of persons covered increased by 7,341, while during the same period the economically active population increased by 241,734. Out of every 100 persons seeking employment for the first time, only 26 were covered by the social security scheme. During this period only 3% of the additions to the economically active population gained admission to the scheme.

105. During the period 1989-1992 the number of persons employed in the agricultural and stock-rearing sectors decreased by 70,299 (24.1%). The demand for manpower increased by 29,409 in manufacturing, 28,207 in the services sector and 13,183 in commerce.

106. Private investment increased to 15.8% above its 1991 level, while public investment increased by 4.9%.

107. Exports of goods and services increased by 5.7%. The export sector developed almost continuously without significant checks.

108. In constant terms the agricultural and stock-rearing sector expanded at a rate of 2.9%. This figure is indicative of a measure of slowdown related to trends in external demand for traditional export products such as cotton, sugar, coffee and bananas.

109. Agricultural production in 1993 (in quintals) was as follows: sugar, 23,600,000; coffee, 4.400,000; bananas, 9,471,400; cotton, 560,000; maize, 28,722,300; beans and whole rice, 2,600,502 and 1,158,600 respectively.

110. The industrial sector expanded at a rate of 2.9%; demand for electric power in that sector during the year was 21% higher than that for 1991 (556,836 mWh). Consumption of diesel fuel was also 21% higher than in 1991.

111. Industrial production is concentrated mainly in the food and drink, textiles and clothing and non-metallic minerals sectors. Its contribution to GDP was 2,452.8 million quetzals (12.7% of GDP).

112. In the manufacturing subsector of industrial production, reference is made to goods produced with middle-level technology and labour-intensive methods employing five or more persons. In 1987 there were 1,612 industrial establishments in this subsector, 184 of which were employing more than 20 persons. Most of these establishments are concentrated in region I; a lesser concentration is found in region IV.

113. Mining production is subdivided into extraction of metalliferous and non-metalliferous minerals. The regions in which mining is carried on are: region VII (mainly in Huehuetenango), region III (in Chiquimula, Zacapa, Izabal and El Progreso), region 2 (Alta and Baja Verapaz) and region I (in Guatemala City).

114. The principal metals extracted in the country are lead, zinc, silver, antimony, tungsten and iron. The principal non-metalliferous minerals extracted are baryte, quartz, mica, feldspar, gypsum, witherite, dolomite, talcum, marble and sand.

115. In December 1991 construction work of a value of 41,327.9 million quetzals was performed by the private sector. Of this total, 34,225.7 million quetzals were invested in urban areas and 7,102.2 million in rural areas. Public-sector investment amounted to 75,366.8 million quetzals.

116. The total amount of electric power generated during 1992 was 2,430,745.7 mWh, of which thermally generated electricity constituted 841,480.2 mWh and hydroelectricity 1,589,265.5 mWh.

117. The country produces 4,000 barrels of oil daily in regions II (Rubelsalto, Chinajá and Yalpemech) and VIII (Caribe, Tierra Blanca, Xan and Chocop). Total oil production during 1992 was 1,764,900 barrels. In the same year, 1,663,600 barrels were exported. Oil imports cost US$ 97,160,500 in 1992 and US$ 80,016,000 in 1993.

118. Consumption of oil-based fuels amounted to 10,569,100 gallons in 1992 and 10,173,800 gallons in 1993.

119. Foreign currency earnings from the tourism sector as at September 1992 amounted to US$ 170,282,500; outgoings during the same period were US$ 74,456,100. In absolute figures, the net credit balance under this head as at September 1992 was US$ 95,826,400.

120. In 1992 the general level of consumer prices rose to 14.2% over the 1991 level - thus exceeding the target of 10%.

121. The balance of payments for 1992 showed a foreign exchange deficit of US$ 54.8 million. A number of factors contributed to this negative result for 1992; chief among these was a 35.2% increase in imports while exports increased by only 4.7%. Another contributory factor was the slowdown in capital flows, the net balance of which fell by 33% (the equivalent of US$ 233.5 million), principally in the private capital sector. The balance of payments was in

deficit in 1992, since the level of imports of goods was US$ 2,262,000 and that of exports US$ 1,287,100.

122. The net balance on services was negative in 1992 (US$ 59.1 million) - double that for 1991 (US$ 30.9 million). The net balance on transfers (which includes an element of family remittances) for 1992 was US$ 388.6 million.

123. During 1992, a total of US$ 1,251.8 million flowed into the country; of that total, US$ 607.7 million was private capital and US$ 644.1 million official or bank capital. Capital outflows totalled US$ 775 million.

124. The principal products exported to Central American countries during 1991 were: chemical products (22.2%), foodstuffs (13.2%), building materials (10%), textiles, thread and yarn (7%), plastics articles (5.2%), cosmetics (4.5%) and clothing (4.3%).

125. Private, official and bank capital transactions totalled US$ 476.8 million less than in 1991 (US$ 710.3 million). The positive net flow of private capital transactions in 1992 was down to US$ 565.4 million.

126. Trends in foreign trade in 1992 led to an outflow of foreign exchange reserves amounting to US$ 54.8 million.

1. Monetary aggregates

127. Means of payment increased by 13.9%, and cash in circulation fell by 88.8 million quetzals, in comparison with 1991.

2. Bank credit

128. Credit extended to the private sector totalled 7,253.4 million quetzals.

129. Net credit to the public sector showed a debit balance reaching 235.5 million quetzals in November 1992. Under the credit policies laid down by the monetary authorities, the central government was allowed a debit balance of 460 million quetzals with the Bank of Guatemala as at December 1992.

3. Interest rates

130. The maximum interest rate permitted by the Monetary Board reached 24.4% at the end of November 1992; the rate of interest paid on deposits rose to 10.9%. The rate of interest on Bank of Guatemala open-market operations ranged between 16% and 16.5% during November 1992.

131. The weighted rate of interest on deposits (savings accounts) was 10.9% and the anticipated rate of inflation was 12.8%.

132. Outflows in respect of imports totalled US$ 1,851.3 million as at November 1992. The total value of exports was US$ 1,230 million.

133. The average level of purchases of foreign currency as at November 1992 was US$ 148.41. The average amount of suchpurchases during the same period in 1991 was US$ 128.41.

134. At the end of November 1992 the exchange rate of the quetzal stood at 5.292 for US$ 1.

135. Gross foreign exchange reserves fell to US$ 380.1 million at the end of November.

136. The price index had risen by 11.73% by the end of November 1992.

137. Budget revenue as at the end of August 1992 totalled 3,695.5 million quetzals; expenditure totalled 3,340 million. The budget surplus was 355.5 million quetzals.

138. In September 1992 outstanding external public debt totalled US$ 2,165.5 million.

E. Demographic data

1. Population growth

139. In 1989 Guatemala had a population of 8,663,859 persons. The rate of population growth is 3.13%, which means that the population is increasing by 1 million every four years. If this rate of increase is maintained, it is estimated that the population could reach 12.7 million by the year 2000.

140. The principal factor influencing population trends is the fecundity rate (inasmuch as women remain fertile from age 15 to age 49). The overall fecundity rates by area and degree of poverty are 6.8 among poor women (77.5% of the total) and 3.3 among better-off women (22.4%).

141. Eighty-seven per cent of the population professes the Roman Catholic religion; the remainder belong to various Christian and non-Christian sects.

2. Population density

142. The current population density is 80 persons per sq. km. (as compared with 27 in 1950); in other words, it has trebled since 1950. It is increasing annually at a rate of approximately 1.4 persons per sq. km.

143. However, the population distribution is uneven. For example, the metropolitan area (region I) has 1,932,953 inhabitants, giving a density of 1,023 per sq. km. It should be mentioned that this region offers the most attractions to the migrant population, absorbing 58.4% of the better-off population and 44.9% of the poor. The altiplano in the centre and North-western part of the country, where most of the smallholdings are located, has a population density of 221.7 persons per sq. km. In the latifundia regions the density is 113.68 persons per sq. km. Guatemala is the country with the second highest population density in Latin America (after El Salvador).

144. The population density per unit of arable land is 3.3 persons/ha.

3. Social indicators

145. There are 1,710,000 households in Guatemala living in poverty and 869,655 in extreme poverty. The North-western and South-western regions comprise 46% of the households living in extreme poverty. The lowest concentration is found in the metropolitan region, which contains 12% (100,788) of households living in extreme poverty.

146. The age structure of the population living in poverty is marked by the high proportion of young people. The effect of the fecundity rate is reflected in the high proportion of the population (49.1%) under age 14; among the better-off the percentage is lower in the middle levels of the age structure pyramid up to age 64, where it stands at 60.5%.

147. In 1989 the urban population was 3,013,697 and the rural population was 5,650,162.

148. The population distribution by sex is 4,245,859 males and 4,418,826 females.

149. The distribution by poverty level is as follows:

	No. of persons	Percentage
In poverty	6,922,243	80
In extreme poverty	5,138,679	59
Not in extreme poverty	1,783,564	21
Better-off	1,741,616	20

150. The geographical distribution of the poor is as follows:

In urban areas:	2,017,718
In rural areas:	4,004,525

151. The distribution of the population by ethnic origin is as follows:

Indigenous:	5,448,011
Non-indigenous:	3,215,848

152. The distribution of the population by age is as follows:

Age group (years)	No. of persons
0-14	4,013,197
14-64	3,953,918
64 or older	305,256

4. Education

153. The literacy rate among persons aged 7 and upwards is 60% (3,985,449 persons); 44% of the population (2,686,903 persons) is illiterate. In rural areas the illiteracy rate is 70%, in urban areas 30%. Of the indigenous population aged 25 and upwards, 40% are illiterate in the Spanish language.

154. The distribution of the population aged 7 and upwards by level of education is as follows:

Without any education	2,829,414
With primary education:	
(1 - 3 years of education)	1,783,333
(4 - 6 years of education)	1,275,862
With secondary education:	
(1 - 3 years of education)	352,171
(4 - 7 years of education)	310,419
With higher education:	
(Uncompleted)	73,837
(Completed)	47,316

155. The different levels of education are: (a) pre-primary; (b) primary; (c) basic; (d) comprehensive; (e) university.

156. The coverage of the educational system does not include the whole of the population of school age. Only 56.5% of the group of children aged 7 are registered within the system. The highest level of coverage is reached at age 10; 76% of children of that age are registered. Beyond age 12, coverage falls to 43.3% of children aged 14.

157. As regards educational services, ir is reported that 79,312 children registered at the bilingual pre-primary level; 88.4% of these were registered in State schools.

158. In all, there were 189,760 children in pre-primary education; of this total, 79,312 children were registered in bilingual pre-primary schools and 110,448 in nursery schools. At the primary level there were 1,340,657 pupils registered; at the basic level, 112,319; and at the comprehensive level, 41,525.

159. There were in all 218,022 pupils registered in the basic cycle and 104,622 registered in the comprehensive cycle.

160. There is a State university, which bears the name of San Carlos de Guatemala; there are also four private universities (Rafael Landívar, Francisco Marroquín, Mariano Gálvez and Del Valle). The San Carlos de Guatemala and Rafael Landívar universities have subsidiary establishments in a number of departments in the Republic. These universities cater for 85,000 students; 75% of all students are at San Carlos de Guatemala University.

161. The educational system is structured as follows:

(a) First level: pre-primary education (ages 5-6 and upwards)

(b) Second level: ages 7-14, grades 1-6;

(c) Third level: middle-level education (ages 14-18); basic 3 years (years 1-3); comprehensive (grades 4-6).

162. The options in comprehensive education are: Certificates of Education in Science and Letters, Industry, Marketing Techniques, General Mechanics, Construction, Tourism, Communication Sciences, Municipal Administration, Computer Science, Vocational Guidance, Community Development, Bilingual Technology, Cosmetology, Natural Resources, Industrial Administration, Hotel Management and Domestic Science, Technical Draughtsmanship and Construction, Electricity, Mechanics, Agriculture.

163. The different categories of primary school teachers are: pre-primary, urban primary, rural primary, domestic science, physical education, musical education.

164. The categories of specialist teachers are: bookkeeping, administration, publicity, industrial, agro-industrial, community development, police techniques, commercial administration, administrative management, business administration, agricultural bookkeeping, optometry, dental hygiene.

165. The categories of secretarial employees are: commercial, executive, technical and bilingual.

166. University courses are given in the following disciplines: medicine, legal and social, humanities, economics, business management, chemistry and pharmacy, civil, electrical, mechanical, electronic and industrial engineering, systems analysis, veterinary medicine and zootechny, architecture, psychology, politics and sociology.

5. Health

167. The general level of health in the country is poor. Although the indicators show that there has been a slight improvement during the last few years, the level is still unacceptable. In addition, it is well below that of the majority of Latin American countries.

168. The principal cause of sickness and death is the inadequate consumption of food, housing, education and employment. This leads to high levels and incidence of nutritional, infectious and perinatal ailments; these cause nearly 40% of the deaths occurring in the country. The principal group affected is the group of persons under age 5. These factors are also the principal cause of death among persons aged over 60 in some parts of the country.

169. Chronic diseases are prevalent principally among town dwellers over age 45, especially in the nation's capital.

Ordinary violence is a general problem throughout the country; the numbers of traffic accidents are also high.

170. The numbers of victims of sickness or accidents in 1992 were as follows:

By sex	Total
Men	297,119
Women	338,970
Both sexes (total)	636,089
By area	**Numbers**
Urban	256,089
Rural	380,000

171. The places where treatment was provided were:

Place	Nos. treated
Hospital	163,780
Health centre	180,126
IGSS	124,403
Private clinics	130,559
Nursing homes	17,361
Other	19,820

172. The anticipated expectancy of life for 1990-1995 is 66 years.

173. The infant mortality rate was 48.5 per 1,000 live births.

174. The fecundity rate was 5.4%.

175. The birth rate was 35.6 per 1,000.

176. The death rate was 8.4 per 1,000.

6. Cultural diversity

177. Guatemala is rich in traces of Meso-American culture. Indigenous groups make up approximately 37% of the population, and the majority of them live in rural areas.

178. Although the official language of Guatemala is Spanish, 21 languages of Maya origin and two of non-Maya origin (xinca and guarífuna) are also spoken. In some parts of the country (for instance, in Alta and Baja Verapaz, where the predominant language is kekchí) the proportion of monolingual persons is estimated to be very high - as much as 90% in certain cases.

179. The population distribution by ethnic origin is as follows: indigenous, 5,448,011; non-indigenous, 3,215,848.

180. The principal non-Hispanic groups can be classified as follows:

(a) quichelenses: quichés, kachiqueles, zutujiles, sacapultecos;

(b) mames, man, ixil;

(c) kekchíes;

(d) "Kanjobales", kanjobal, jacalteca, chuj;

(e) pocomán: pocomanes, poconchíes;

(f) chortís;

(g) caribes or garífuna;

(h) xincas.

7. Social organizations

181. Employers' organizations are made up of members of legally constituted enterprises. The groupings are as follows:

Organization	Membership
Chamber of Commerce	2,900
Chamber of Industry	1,275
Miscellaneous services	902
National Transport Corporation	600
Small Enterprises Federation	510
Chamber of Construction Enterprises	450
Chamber of Tourism	265
General Association for Agriculture	125

182. The workers' organizations are made up of trade unions which have complied with the requirements of the law and of the Ministry of Labour and Social Insurance. They exist in the following sectors:

Sector	Number
Agriculture	440
Industry	136
Personal services	100
Transport	40
Financial services	28
Unspecified	20
Commerce	17
Construction	16
Electricity	6
Mining	3

In all, these organizations have 77,113 members, of whom 70,013 are women.

183. There are in all 806 unions, 717 in the private sector and 89 in the public sector. There are other workers' organizations, such as federations (31) and confederations (5).

184. There are cooperative organizations distributed over the departments of the Republic as follows:

Department	Total number
Guatemala City	231
Alta Verapaz	105
El Quiché	90
Chimaltenango	59
Huehuetenango	81
Quetzaltenango	80
El Petén	47
Totonicapán	44
Sololá	43
Suchitipéquez	42
Escuintla	39
Santa Rosa	32
Sacatapéquez	26
Retalhuleu	26
San Marcos	25
Izabal	22
Baja Verapaz	20
Jalapa	19
Zacapa	19
Jutiapa	28
Chiquimula	16
El Progreso	9

There are in all 1,103 cooperative organizations with a total of 243,284 members.

185. The cooperative federations are:

Name	Number of members
National Federation of Savings and Credit Cooperatives (FENACOAC)	72
Federation of Agricultural Cooperatives of Coffee Growers of Guatemala (FEDECOCAGUA)	67
Federation of Agricultural Cooperatives of Guatemala (FEDECOAG)	54
Federation of Cooperatives of Alta and Baja Verapaz (FEDECOVERA)	29
Federation of Consumer Cooperatives (FEDECON)	26
Federation of Handicraft Production Cooperatives (ARTEXCO)	21
Federation of Housing Cooperatives (FENACOVI)	20
El Quetzal Federation of Marketing Cooperatives (FECOMERQ)	12
Federation of Regional Agricultural Cooperatives (FECOAR)	6
Federation of Pacific Coast Fishing Cooperatives (FEDEPESCA)	3

There are 310 cooperative organizations in all.

186. There are 900 non-governmental organizations engaged in :

(a) human resources development: training for employment, management training, formal education, communication;

(b) health: preventive and curative action;

(c) social work: orphanages, hostels and creches, scholarships;

(d) production: production projects, marketing, land purchase;

(e) direct consumption: nutrition, food aid for families of modest means;

(f) religious studies and socio-economic activities;

(g) science and technology: control and management of natural resources, appropriate applications and technologies;

(h) human rights;

(i) basic infrastructure;

(j) housing;

(k) family planning.

The indigenous peoples' movement consists of the following organizations:

(a) Council of Maya Organizations of Guatemala (COMG)

(b) MAJAUIL QIJ (New Dawn) Maya Co-ordinating Organization

(c) Guatemalan National Council of Widows (COMNAVIGUA)

(d) Guatemalan National Council of Displaced Persons (CONDEG)

(e) Peasant Unity Committee (CUC)

(f) Runujel Junan Council of Ethnic Communities (CERJ)

(g) Coordinating Body of Integrated Development Associations of South-western Guatemala (CADISOGUA)

(h) The Highland Communities in Resistance.

187. With respect to organizations of graduate professionals, all such persons are required by the Constitution to belong to the collegiate bodies of their respective professions. Bodies of this kind exist for architects, doctors and surgeons, lawyers and notaries, engineers, agronomists, chemical engineers, dentists, humanists, pharmaceutical and other chemists, economists, public accountants and auditors, veterinary surgeons and animal health specialists.

II. GENERAL POLITICAL STRUCTURE

A. History and past political developments

188. Guatemalan society has lived through a number of clearly defined historical periods, running from the primitive Maya-Quiché period to the present time. In this historical survey the different periods are easy to distinguish.

1. The pre-Hispanic era

189. The data available suggest that between the third and the second millennium B.C. the Mayas developed their agricultural system in the uplands of Guatemala; as is well known, this system was to have an impact on the development of the civilizations of these peoples. The period which Morley has designated as "pre-Maya" reaches from those remote times until 317 A.D.

190. The pre-Maya (or pre-classical) period runs from approximately 3100 B.C. until 317 A.D. The first signs of a culture were found in the Pacific lowlands and the central uplands.

191. It is estimated that the Mayas began to turn to agriculture during the period 1900-1000 B.C. Their principal crop was maize, which gradually became their staple food and the ideological and religious basis of their culture, together with settlement in specific areas. Pottery production (the first evidence of which is found during the period 2300-2200 B.C.) also developed. Subsequently the ceremonial urban centres developed; the most important of these during that period was Kaminal Juyú, which is situated to the south-west of Guatemala City.

192. The old (preclassical) empire lasted through the period 317-987 A.D. It embraced the northern part of El Petén - a region in which the Mayas developed their monumental architecture. The principal Maya centres of this period were Tikal and Uaxuctun, which dates from 328 B.C. In 790 A.D. the Maya culture attained its broadest geographical coverage, founding as many as 19 cities.

193. The year 909 A.D. is considered to be the year in which the decline of the Maya empire began, ending in the complete abandonment of the region. Various theories concerning the collapse of the old Maya empire have been advanced, but do far no scientific explanation of the causes of its disappearance has been found.

194. The New (classical) Maya Empire lasted through the years 1007-1697 A.D. The collapse of the Old Empire forced the population to emigrate to the north, where they settled in Yucatán (Mexico). There they founded what is now known as the New Empire; its principal ceremonial centres were Chichén Itzá, Uxmal and Mayapán.

195. The Maya people only mastered fire and agriculture. They knew nothing of the domestication of animals, the use of the wheel or metal instruments. The social structure consisted or lords and priests, who lived within the cities; the people lived in areas outside the cities.

196. When the Spaniards first reached the lands which now form part of Guatemala in 1524, they found a Quiché civilization which extended from the Pacific coast to the area of El Petén. In the east the Cakchiqueles - at the time rivals of the Quichés - had settled. The area was also inhabited by the Tzutuhiles, who had settled in the neighbourhood of Lake Atitlán; and the Pocomanes, whose territory extended as far as Lake Amatitlán and the mountains closest to the present-day Guatemala City. The western part of the country was inhabited by the Mames, whose territory covered the Guatemalan departments of Huehuetenango, San Marcos and Soconusco and the south-eastern part of Chiapas (in Mexico). In the north there were the Quekchíes and the Pocomchíes, living in an area corresponding to that of the departments of Alta and Baja Verapaz.

197. According to the Memorial de Sololá, until the mid-15th century the Cakchiqueles and the Quichés had remained closely united; but with the decline of the power of the reign of Quicab (a Quiché king) caused by a general wave of discontent (with which Quicab's own sons associated themselves), the Cakchiqueles took advantage of the situation to break away; they moved to Iximché, at some distance from the Quiché kingdom.

198. All these peoples, which had attained high levels of culture, formed what is today referred to as the Maya-Quiché civilization. As regards the origins of these peoples, it has been established that their presence is the result of migrations by the old Mayan peoples of the North from the Mexican region. The Quiché and Cakchiquel documents which have come down to us match with those in Yucatán (Mexico), which unquestionably establish a common origin for all these peoples, who covered the territory of the central meseta in Mexico and the northern half of Central America - an area referred to in a historical context as Mesoamerica.

199. The Popol Vuh, the Memorial de Sololá and the writings of Chilam Balan all agree that the human groups which populated Yucatán and the Republic of

Guatemala came from the Tula region, which is to the north of Mexico City and is currently the equivalent of the State of Hidalgo, and that they stopped for some time by Lake Términos.

200. It has not been determined when the tribes migrated to the territory which is now Guatemala; however, it has been established that these peoples began to emigrate during the 7th century A.D., i.e., at the same time as the departure of the peoples who were eventually to inhabit Uxmal and Chichén Itzá in the New Mayan Empire. According to the Popol Vuh, the tribes which took the road to Guatemala belonged to the Yaki or Toltec nation.

201. From the writings of Chilman Balam we learn that the Otza peoples who inhabited El Petén - the centre of the Old Mayan Empire - undertook a pilgrimage, following the course of the principal rivers. It is known that they lived for several centuries in the region referred to as Chakanputún, which researchers have identified as the present-day Champotón, situated in the Mexican State of Campeche. Thence they moved eastwards together with the groups guided by Quetzalcoatl, who was of Toltec origin. During the 10th century they moved down towards the Veracruz coastline. Some tribes may have settled on the Tabasco and Campeche coasts, not far from Lake Términos, and thence have emigrated towards Guatemala, where, divided into the Quiché, Cakchiquel, Tzutuhil, Kekchí, Mam and Pocomam tribes, they encountered the Spaniards.

202. The Maya-Quiché culture contains elements of the old Maya civilization of the Old Empire and of that of the Toltecs. It bears the mark of a more extensive culture than that of the ancient Maya people, combined with Toltec culture, which made its own mark on the earlier culture during a later period.

203. The principal sources of information on the Maya-Quiché culture are the Popol Vuh (Book of the Council), the Memorial de Sololá (or Annals of the Cakchiqueles) and the Title of the Lords of Totonicapán. The most important of these three is the Popol Vuh, the first edition of which (recorded by Fr. Ximénez at the beginning of the 18th century and entitled History of the Origin of the Indians of This Province of Guatemala) is in the Newberry Library in Chicago. The Popol Vuh was hidden for over 150 years (since it is estimated to have been written in 1550). It is believed that, following the burning of Utatlán by the conquistador Alvarado, the Indian nobles moved to Chuilá the present-day Chichicastenango), where Fr. Ximénez discovered it and saved it for posterity. In 1861 a French-language version was published by Abbé Brasseur de Bourbourg.

2. The colonial period

204. The colonial period in Guatemala covers the period running from 1524 to 1821 (the year in which Central America declared its independence) and includes the first stages of the Spanish conquest. It begins with the establishment of the first permanent conquistador settlement in Iximché, to which they gave the name of Santiago de los Caballeros de Guatemala. The township was founded on 25 July 1524 by Pedro de Alvarado, who took advantage of the hospitality offered by the Cakchiqueles in what was their principal city.

205. The men who made up the conquistador expedition which arrived in Guatemala under the leadership of Pedro de Alvarado were uncouth, little educated and fiercely Christian. As, moreover, 16th-century Spain had not yet escaped from

the shackles of medievalism, the forms of exploitation which the expeditions imposed in her colonies fell within patterns of production typical of feudalism, when they did not regress into patterns of absolute slavery.

206. The first colonizers robbed the indigenous peoples of their lands and their possessions and reduced them to a condition of virtual slavery.

207. The royal decrees urging better treatment of the Indians were ignored by the masters of the encomiendas, which for them were merely a means of enrichment.

208. The evangelizing missions did a certain amount of cultural dissemination among the indigenous peoples; but they were not behindhand in matters relating to encomiendas and repartimientos. The religious orders were assigned lands to exploit, and they carried on that activity by means of methods similar to those of the others. The natural reluctance of the Indians to accept the new religion imported by their conquerors was punished by sentencing to slavery.

209. In Guatemala the principles underlying the institution of the encomienda were those of slavery. The Indians were branded and sold; and in addition to having to perform forced personal labour for their master, the latter could hire them out to other persons, in exchange for which he received some remuneration.

210. The Indians sometimes received education in the convents; but it consisted of no more than a basic knowledge of religious doctrines and dogmas. To this end the monks learned the principal Indian languages in use at the time.

211. Secondary education was imparted in the convent colleges and university-level colleges (colegios mayores). The Dominican, Franciscan and Jesuit orders were outstanding in this field. The colleges began their work at the beginning of the second half of the 16th century.

212. San Carlos University was founded by Royal Decree dated 31 March 1676. Previously to its foundation responsibility for providing higher education lay with the university-level colleges of Santo Tomás, San Borja, San Buenaventura and San Lucas. Its foundation marked the beginning of a new era in the cultural development of Guatemala which reached its zenith during the second half of the 18th century.

213. Another event of major importance which occurred during the 17th century was the introduction of the printing press. The first texts were published in 1663; later textbooks for use in schools were printed. In 1729 the first newspaper to appear in Guatemala (La Gaceta) was printed.

214. The first governor of Guatemala was Pedro de Alvarado; his period of office lasted from 1524 until 1541, when he died tragically. From 17 September 1541 until 17 May 1542 government was in the hands of Bishop Francisco Marroquín and Licenciado Francisco de la Cueva. In 1552 Alonso de Maldonado took over as governor.

215. After the destruction of the capital by flooding caused by a volcanic eruption the captaincy-general was transferred from the place presently known as Ciudad Vieja to the Panchoy valley (the site of present-day Old Guatemala City), which was considered safer.

216. The initial periods of Spanish domination were marked by the cruelty and the religious fanaticism shown by the conquerors. Cultural transfer in Guatemala took on special features. The dynamism of the indigenous culture enabled it to survive and even to influence the Spanish culture. The colonists effected cultural dissemination through the evangelizing missions. The repressive methods used by the priests against the Indians were no less cruel than those used by the masters of the encomenderos, to such a degree that in 1561 the King intervened, issuing a Royal Decree, dated 4 August of that year, prohibiting the maintenance in convents of prisons for the punishment of Indians.

217. Fr. Las Cases states that during the early years following the conquest there were over 5 million people living in the region now known as Central America and that that population was decimated on account of the cruelty of the encomenderos, working in the mines and mass deportations of Indians, either to South America or to the West Indies when the Indian populations of that region were close to extinction.

218. An encomienda of Indians consisted of a grant to a Spaniard of a variable number of Indians for use as labour. The system was proposed by Ferdinand V (known as "the Catholic King") and ratified by Philip II in April 1580 as a measure for the defence and protection of the Indians. The initial Act states that "now that pacification has been completed and the natives have been reduced to obedience to Us as required by the laws on the subject, the captain-general, governor or pacifier so empowered shall distribute the Indians among the settlers so that each one shall take into his care those within his holding, defend and protect them and provide priests to teach them the Christian doctrine". However, the encomenderos were anything but protectors of Indians. In practice they became slavemasters, and the Indians were reduced to slavery on the pretext that they were being protected and introduced to the Christian faith. Sometimes they even demanded that the Indians hand over their own children in payment of taxes; these were then shipped to Panama and Peru as slaves.

219. In most of the towns and villages the Spaniards maintained the Indian political and economic structures; they could thus make use of the authority of the chiefs for purposes of exploitation.

220. The basis of the economy during the colonial period was agriculture; the main products were maize, cocoa, indigo, cotton, sugar cane and tobacco. Later stock-rearing and mining were developed.

221. According to the historian Remesal, the first wheat seeds were brought to Guatemala by Francisco de Castellanos. However, other sources attribute the merit to a friar, Benito de Villacañas, of whom it is recorded that he brought the seed from Mexico in 1529.

222. It is also recorded that the same Francisco de Castellanos (who was the first royal treasurer) introduced sheep for the first time. In 1630 Francisco de Zorrilla introduced the first merino lambs. Beef cattle were brought in for the first time in 1530 from Mexico; cattle-rearing was developed along the southern coastline of Guatemala and along the banks of the Michatoya river. According to Archbishop García Peláez, the breeding of beef cattle was considerably expanded by Héctor de la Barreda, who brought specimens into Guatemala from Cuba. Initially breeding took place in the Valle de las Vacas (close to the present-

day Guatemala City), but its expansion was such that there were soon cattle of this type in Escuintla and Amatitlán.

223. The principal products mined were gold and silver, followed by lead. As a result of the development of mining, many craftsmen skilled in the working of gold and silver emerged. A guild of silver workers was founded, and the local authorities, in pursuance of their powers to regulate all the noble crafts, appointed an assayer for silverware manufactured in the city in September 1553.

224. The encomienda system continued to develop towards its culmination. New methods of extorting even more from the Indians were rapidly invented. Other procedures - the mandamiento, the repartimiento and the habilitación - appeared alongside the encomiendas.

225. There were two forms of mandamiento. Under the first, Indians were sent by the authorities to the estates of landowners; under the second, the encomendero received a tax from the Indians; thus some of them were landless.

226. Under a repartimiento the mayor distributed among the natives goods such as matchets, shears, seed, clothing, beads and other trinkets, which the Indians accepted against their will; but that same mayor ruthlessly exacted payment for them when the natives brought in their crops of cocoa or maize. The encomenderos also indulged in practices of this kind, which survived until the end of the 18th century. In some places the repartimientos effected by mayors or encomenderos consisted of distributions of yarn or raw cotton from which the Indians were expected to make textiles or yarn respectively, in return for which they received tiny payments.

227. During the first half of the 16th century the processing of indigo began in Guatemala; large amounts of manual labour were required for its collection. For this purpose Indians were moved from place to place; as a result, they became sick, and not a few died. Indigo (jiquilite) is a dye-producing plant which the Indians had known since pagan times. During the early years of the 17th century there were 18 indigo-processing plants in the neighbourhood of Escuintla, Guazacapán and Jalpatagua.

228. Another crop which was developed considerably during the middle years of the 17th century was cocoa; some 200,000 loads were exported to New Spain every year.

229. The cultivation of cochineal was of considerable importance during the colonial period. Cochineal from Chiapas, which at that time formed part of the Captaincy-General of Guatemala, was famous.

230. Escuintla and Amatitlán were particularly famous for the production of sugar cane. The juice was extracted by presses operated by oxen or mules.

231. During the same century mining developed considerably, and in particular the gold mines at Mataquescuintla and San Marcos. The gold-washing plants in Las Vacas, Pinula and Jilotepeque were of almost equal importance.

232. Sheep rearing flourished in Quetzaltenango and Totonicapán, where the Indians had taken up the spinning and weaving of wool as industries of their own. It is known that "at the beginning of the 17th century one landowner sold

8,000 head of sheep at a single fair"; from this it may be inferred that this branch of the economy had developed considerably.

233. The development of population centres led to an increase in the number of craftsmen such as shoemakers, tailors, harness makers, barbers and carpenters. The craftsmen formed guilds, which were duly registered by the local authorities. These guilds sought to exercise control over their members, who were rigidly registered as master craftsmen, journeymen and apprentices.

234. To achieve promotion to the rank of journeyman, an apprentice had to undergo 12 years of strict training, at the end of which he was formally presented to the guild by his master. A journeyman could become a master craftsman on submitting, as a proof of his skill, a "masterpiece" which was closely examined. New masters took the places of those who had retired or died.

235. The domestic trade handled by the Indians consisted of the transport of produce grown in the colder uplands down to the coastal areas and vice versa. They transported the goods by beast of burden or on their own backs. External trade was conducted via the Gulf of Mexico; goods were transported to Omoa and Puerto Cabello, where goods brought from Spain were disembarked. The other principal trade route was that leading to New Spain, which passed through Soconusco, Chiapas, Oaxaca and Veracruz. These routes were followed by mule trains which transported and brought back different products.

3. The period of independence

The independence of Central America

236. The achievement of independence in Central America was not an isolated event in the context of the other independence revolutions which broke out in the Spanish colonies between 1810 and 1826. As in the other countries of the Americas, it was a rebellion against the established order - a replica of the feudal system of exploitation, introduced by the colonial authorities - and a protest against the economic restrictions imposed by antiquated legislation.

237. In the Kingdom of Guatemala, as occurred in the other independence movements in the Americas, a number of patriots were killed, imprisoned or exiled for campaigning in favour of the emancipation of the Central American peoples. The groups working for independence - ranging from the Indians struggling to throw off the crushing burden of slavery under which they lived to the nascent bourgeoisie seeking to secure greater opportunities for development - were responding to the need to improve their economic condition. On the other side were ranged the Spanish authorities, the clergy, the big landowners and a group of merchants. In their view it was distinctly dangerous to allow the people to begin taking sovereign measures which might subsequently threaten their enormous economic interests.

238. It is understandable that opposition to the colonial system was widespread, as the latter involved many interests. The conquistadores had established a colonial regime in Latin America which remained practically unchanged during its three centuries of predominance. The natives were subjected to a feudal regime, and black slaves were imported to develop human exploitation further.

239. In addition, commerce between the metropolis and the colonies was subject to strict regulations which were highly unfavourable to the latter. The Court of Contracts in Seville was concerned exclusively with the safeguarding of royal interests and those of the great Spanish trading companies, and trade between colonies was prohibited.

240. Political and administrative activities were controlled by the great landowners, who were masters of the lands on which the slaves lived and worked. The clergy were equally energetic in this field; it is estimated that during the final years of the colonial regime the Church owned one third, and in some cases half, of all the arable land.

241. The Creoles were generally excluded from participation in the government of the colonies. During the 300 years of Spanish domination, only 4 out of the 170 viceroys and 17 out of the 602 governors were Creoles.

242. The war of independence began with uprisings among the Indians and the Negroes and revolts and plotting among the Creoles and mestizos.

243. The development of a republican political awareness in Guatemala certainly took its origin from the books and papers which found their way into the country during the colonial period. From the very beginning the colonial authorities were aware of the danger. Thus the Kingdom of Guatemala received a notice of prohibition - especially for the natives - on reading books containing "romances, profane material or legends .. and books by Amidase and other books of the same kind containing historical fabrications". Likewise, the whole of title XIV of the legislation concerning Indians was devoted to the expurgation of books. However, the Crown was extremely liberal in the enforcement of those provisions. Apart from the attack on Antonio de Remesal, the first historian of Central America (to which he devoted five cartons of his Historia General de las Indias Occidentales y Particular de la Provincia de San Vicente de Chiapas y Guatemala, there are few recorded cases. However, from 1770 onwards the numbers of denunciations, searches and reports increased dramatically; on the average, three edicts concerning the censorship and banning of books were issued each year. Fr. Martín Mérida - an important actor in the reform process - drew up a list of documents, books and prints of the Inquisition Commission in Guatemala which, together with newly-discovered documents, enables us to reconstruct the republican ideological sources within the country. The most significant authors seem to have been Rousseau, the Abbé Pradt, Montesquieu, Voltaire and Jeremy Bentham. The most representative ideas were those of the social covenant or contract, popular sovereignty, the separation of powers, natural rights and constituent authorities. It is curious to observe the modern manner in which these instruments have been handled. Rousseau's Social Contract, which was first translated into Spanish in 1779 by Spanish exiles in London, was known in Guatemala only four years later - a very short time when one considers the difficulties of printing, circulation and transport. Special mention must be made of the correspondence of Bentham with two or three inhabitants of the Americas whom he considered important - among them José Cecilio del Valle, who was undoubtedly the best-organized leader of the time, and with whom he exchanged information, documentation and ideas.

244. Many years before independence was achieved the ideological ferment in Guatemala had reached a pitch hardly surpassed anywhere else in Spanish America. The opportunity of participating in the first Spanish constituent congress, in

which an important place was given to the colonies, added fuel to that ferment. The documents which Antonio Larrazabál, a deputy for Guatemala, submitted in Cadiz in 1811 are models of seriousness and competence; in addition, they enable us to identify the origin of the different tendencies in political thinking and the different ideological sources underlying republican organization - the French example and English liberalism.

245. Under the direction of José María Peynado, the municipal council in the capital drew up some instructions for its deputy to the Cadiz Parliament which clearly reflect political thinking along the lines of the French model. They included a Declaration of the Rights of Man - the first in Latin America - and a complete draft of a 105-article constitution, together with a large number of considerations of an economic and social character.

246. On 15 September 1821 a group of notabilities, in accordance with the custom of the time, met in the capital city (the present Guatemala City) and declared independence from Spain. The general picture was similar to that in other places - an uncertain authority, which had lost its links with the metropolis; the higher clergy and the Spanish officials, who remained faithful to the Crown to the last; and popular pressure for independence, finding voice in impromptu public speakers emerging from the middle classes.

247. In the record of the day's events the word "republic" does not appear once. The conservatives who controlled the movement made the declaration of independence subject to ratification by a congress in the hope that before it was constituted some event would occur which would enable them to maintain their position. A classical withdrawal by the dominant group - an antidote against radical proclamations. Valle, the writer of the record, urged the group to proclaim independence before the people themselves did so.

248. It was the same Spanish authorities, which had survived through these radical changes, which, in alliance with the conservatives, encouraged the rapprochement with the Mexican empire of Agustín Iturbide. Gabino Gaenza, the former Spanish governor, who had become the head of the new country, hastened, on 18 September 1821, to inform the Mexican Emperor that his country was joining his empire, and the authorities of the capital city - which were controlled by the conservatives - decreed on 5 January 1822, after a discussion of doubtful validity, that Central America was annexed to Mexico. The proponents of these measures were unambitious. One wanted the title of the empire to associate the names of Mexico and Guatemala; another, on a more domestic plane, requested that the emperor's son should be granted the title of Prince of Guatemala, "in the same manner as the son of the Emperor of Austria in Spain".

249. The annexation to Mexico brought conservatives and liberals into opposition with one another for the first time. The latter, firmly established in San Salvador, repudiated the decision of the authorities in the capital and declared that no authority could reverse the September decisions. The conservatives in fear appealed for the protection of the imperial army, which, under the command of Vicente Filísola, did in fact occupy the capital and undertook a war, which was protracted but not very bloody, against the dissident provinces. One of the events of this turbulent period was a failed attempt by El Salvador to have itself annexed by the United States, decided upon by a revolutionary congress as a safeguard against "Mexican imperialism".

250. In February 1823, after a long year of campaigning, Filísola entered San Salvador, but in doing so only scored a Pyrrhic victory, as just at that moment the empire collapsed and he was forced to return to Guatemala City. In March, on Good Friday, he received news from Mexico that the People's Junta had repudiated the imperial authority of Iturbide. His own authority lapsed; and, seeing no other solution, he resurrected the September declaration and hastened to declare independence from Mexico and from any other power in either the Old or the New World; he also declared that the provinces of Guatemala were not, and were not to be, the property of any individual or family. José Cecilio de la Valle sums up the proceeding thus: "He initiated the third stage in the history of Guatemala. After being a province of Spain, it had become a province of Mexico. The time had come to transform itself into a free republic".

251. In what is today the main hall of the Faculty of Laws of the University of San Carlos, on 11 benches set out in the style of the English Parliament, the liberals gathered after their victory in the national elections, which had taken place in an atmosphere of nationalist euphoria. Of particular importance was the political participation of the population of the capital, where the existence of a public opinion (now traditional) was apparent. The liberals, in their natural style, settled down to the production of abundant legislation. In 19 months they prepared 784 laws, 137 decrees and 1,186 orders - and also, naturally, a constitution deriving in its general style and inspiration from the operative part of the United States Constitution and the new constitutionalist movement in Spain. The committee which drafted the text explicitly acknowledged this in the following terms: "In preparing our plan, we adopted for the most part that of the United States - a worthy model for independent peoples".

252. The principal question facing both liberals and conservatives in the constituent assembly was the choice for or against federalism. After many discussions, the conservatives began to seek a formula for a new type of authoritarian power which would replace that of the overthrown kings and empire, which they called a "republican concept of monarchy". The liberals were obsessed with devising a machinery of government which would act as a bar to absolutism; the only way to prevent a dictatorship was to break up the power structure. Underlying this strictly political line of argument was the suspicion of the capital, where the economic system was centralized, in the provinces.

253. The triumphant liberals made the first attempt to reform the outdated power structure. Looking through the catalogues of laws of Alejandro Mature or Pineda y Montt one is struck by the extent of the reforms undertaken. Their reforming zeal extended from the great reform of the judicial system - with the introduction of the codes which Livingston had drafted for Louisiana - to the preparation of topographical plans and drawings of our old colonial monuments in Iximché, Mixco Viejo and Copán. The recognition of habeas corpus and civil marriages, the reform of education, freedom of commerce, the abolition of State monopolies, the beginning of the liquidation of Church assets and the distribution of ownerless and uncultivated lands are examples of the contents of the programme which Francisco Morazán presented at the regional level (and Mariano Gálvez at the local level) in what was to become the Republic of Guatemala.

254. The abolition of certain religious holidays and the problems to which the implementation of the new legislation - which introduced the jury system within an illiterate population - gave rise led to a reaction which the liberal group,

which was internally divided and had no real power base, was unable to control. The year 1838 thus saw the beginning of the break-up of the Central American Federation; this strengthened the position of the conservatives at the local level and thus restored de facto the former regime.

255. Guatemala was the largest province in Central America in terms both of geographical area and population. Guatemala City was not only the political capital but also the commercial, cultural and religious capital of the new nation; but the latter was divided between powerful groups of conservative aristocratic families and liberal activists. The latter could become extremely powerful politically if they could succeed in turning the ordinary people away from their traditional leaders - the aristocracy and the higher clergy. In addition, the liberals in Guatemala could count on the support of those in the other States of Central America in weakening the influence of the powerful conservative groups in the capital. The leaders of the liberal movement in Guatemala were the Bedoyas, Dr. Pedro Molina and Dr. José Francisco Barrundia.

256. The conservatives, for their part, were led by the Aycinena family, which had substantial interests in the indigo trade and one of whose members had been ennobled with the title of marquis at the end of the colonial period. As was seen earlier, José Cecilio del Valle and Manuel José Arce played an important role at his side, and President Morazán played an equally important role on the liberal side.

257. After 1830 Dr. Mariano Gálvez became the most important figure in local politics. He developed a programme of social, political and economic reforms which served as a model for the liberals of Central America throughout the 19th century. The programme included plans for settlement, public education, the secularization of the university, colleges and schools, religious freedom, civil marriages, divorce, reform of the penal codes and proceedings, etc.

258. In 1838 the Gálvez government was brought down by a coalition of liberals and conservatives, and Rafael Carrera, the mestizo chief of the highland peoples, made his first appearance in urban political life at the side of José Francisco Barrundia, the inspired revolutionary tribune of the liberal party, whose activities in the cause of independence had won him notoriety ever since the Belize conspiracy.

259. In the meantime the federation came to an end in San Salvador following the secession of Nicaragua, Honduras and Costa Rica.

260. The State of Guatemala did not immediately join the separatist movement, as it was under the weak leadership of Vicejefe Pedro José Valenzuela, who had to deal with the problem of the creation of the Sixth State (Los Altos), which divided the State of Guatemala into two parts, separating off the western provinces of the country (Quetzaltenango, Totonicapán and Sololá), which had large Indian populations. The secession of the Sixth State was approved by the Federal Congress on 5 June 1838; its legislature was installed on 23 December of the same year; and Marcel Molina was elected Head of State on 28 December.

261. Carrera and the conservative party disapproved of the creation of the new State, above all because Dr. Mariano Gálvez, José Francisco Barrundia and the most prominent Guatemalan liberals had taken refuge there.

262. Valenzuela then demanded the assistance of Morazán and the federal army, as Dr. Gálvez had done earlier; but the President was unwilling or considered that he could not intervene successfully in face of the guerilla tactics of the highlanders. In addition, he was faced with extremely difficult political problems which required his presence in the capital, which had been moved to San Salvador.

263. However, Rafael Carrera was defeated at the battle of Villa Nueva, in the neighbourhood of Guatemala City, by General Carlos Salazar, who was raised to the rank of Head of State on 10 September 1838.

264. The tenacious guerillero then withdrew into the more distant regions, such as Santa Ana and Ahuachapán, and seized the town of Chiquimula, attacking it and then withdrawing. General Agustín Guzmán pursued him closely, following the traces of the highlanders, and eventually compelled Carrera to accept on 23 December 1838 the Treaty of El Rinconcito, in which he committed the political error of recognizing his official capacity as military commander of Mita.

265. After rebuilding his forces, Carrera marched on Guatemala City and seized it on 13 April 1839. Mariano Rivas Paz was then elected Head of State. Four days later the latter declared that the State of Guatemala was resuming its full sovereignty and leaving the Central American union. Carrera went on to march against the State of Los Altos, the secession of which under pressure could not be considered valid, since, as was explained earlier, the sole purpose of the division of the State of Guatemala was to obtain a better distribution of votes in the Federal Congress.

266. The Los Altos army was defeated at Panajachel, and its commander, General Agustín Guzmán, was captured at Sololá. Ten days later, Carrera arrived in the town of Quetzaltenango and took the members of the government into custody.

267. Morazán, who had been elected Head of State of San Salvador, considered the invasion of Los Altos sufficient justification to attack Guatemala; and, as seen earlier, he captured the capital city on 18 March 1840. Carrera encircled Morazán's forces and crushed them. Only Morazán and a handful of officers and soldiers managed to escape.

268. When the news that Morazán has recaptured Guatemala City reached the State of Los Altos, the municipal council of Quetzaltenango immediately issued a declaration of secession. A few days later Carrera arrived in the town and executed the mayor, Roberto Molina, and two councillors.

269. In December 1840 Venancio López was elected Head of State of Guatemala; following his resignation in 1842, Mariano Rivera Paz once again became Head of State, elected by the legislature.

270. During this period Mexican troops invaded the district of Soconusco - the only district of the State of Chiapas which had remained under the jurisdiction of Guatemala. The Rivera Paz government protested against this incursion, which had been launched on the direct orders of the President of Mexico, Antonio María López de Santa Ana. At the same time, news arrived from Costa Rica that the former President of the federation, General Francisco Morazán, had been executed. The general panic which spread throughout Central America momentarily

prevented the Government of Guatemala from defending its rights over Soconusco; the Head of State confined himself to denouncing the deed and repeating that Guatemala would negotiate with Mexico to secure the return of the territory of Soconusco by peaceful means.

271. Rivera Paz ordered the reestablishment of the Dominican, Franciscan and other religious orders, including the Jesuits, who had been expelled by the Spanish Crown as early as 1767.

4. The contemporary period

272. In December 1844 General Rafael Carrera was formally elected Head of State of Guatemala. In fact, he had been the strong man of the conservative party during the preceding years. On 22 March 1847, following the breakdown of the Chinandega conference, the creation of the Republic of Guatemala was decreed, and General Rafael Carrera became the first President of the new republic. But peace and order were far from having been established.

273. A rebellion of peasants or highlanders, known as the Lucíos, was continuing in the eastern part of the country. It was a movement of liberal inspiration whose leader, Serapio Cruz, was seeking to consolidate the secession of the State of Los Altos to increase his personal prestige. Cruz was soundly beaten by Carrera at Patzún, sought refuge in the Verapaz mountains and continued the struggle against the conservatives at different times and in different places until his death in Palencia in 1869.

274. Carrera resigned from office on 15 August 1848, and Juan Antonio Martínez was elected President. He sent a new army commanded by Colonel Mariano Paredes into Los Altos, which defeated the forces of that unfortunate region at San Andrés on 21 October 1848, capturing its leaders. But the reaction of the liberals in the legislature was so violent that President Martínez was forced to offer his resignation on 28 November 1848.

275. Following this, the liberal Bernardo Escobar was elected, but his government was very weak, and Mariano Paredes had to be called upon to resume the Presidency. Fortunately the latter found the formula for a political agreement with two party leaders, Vicente Cerna and Serapio Cruz, with the Lucíos faction and with General Agustín Guzmán, the commander-in-chief in the State of Los Altos, who agreed to the surrender of his army in an honourable capitulation which brought hostilities to an end.

276. Paredes also authorized the return of Carrera, who had been exiled to the neighbouring States of Mexico on the entry into power of the short-lived liberal governments referred to earlier. Then, to strengthen his position, Paredes appointed Carrera commander-in-chief of the army. The appointment of Carrera gave rise to a violent reaction in the ranks of the liberals. General Agustín Guzmán took to the field again and attempted to take Guatemala City by storm, but lost his life in the attempt. Carrera also defeated the José Dolores Nufio faction. By mid-century Guatemala was still firmly under the control of the conservative party.

277. Presidents Doroteo Vasconcelos of El Salvador and Juan Lindo of Honduras decided to end the predominance of Carrera and his supporters, whom they considered responsible for the collapse of the Central American Union. To that

end they formed a grand coalition of liberal forces under the command of experienced officers together with regular troops from El Salvador and Honduras.

278. The former guerillero moved rapidly around the eastern provinces of Guatemala, which he knew well. He handled his forces with caution, and eventually lured his enemies into a trap in which the famous battle of La Arada, a town not far from Chiquimula, was fought. The joint armies of El Salvador and Honduras were practically annihilated there, and Carrera consolidated the hegemony of the conservative party for the next 20 years. President Vasconcelos was forced to resign his office in San Salvador, where he was succeeded by the conservative Francisco Dueñas. The victorious Carrera returned to Guatemala City, where he was elected President by the National Assembly which adopted the new Constitution of the Republic on 19 October 1851. Later Carrera and his generals Vicente Cerna and José Victor Zavala attacked President Cabañas of Honduras, razed the fortress of Omoa and, in an unnecessary show of force, hauled its heavy cannon back to Guatemala City. On 21 Carrera was declared President for life by an assembly of authorities.

279. When William Walker invaded Nicaragua, President Carrera sent an army three times the size of that of any other republic in Central America to combat the adventurers; but he did not consider it necessary to take part in the campaign personally.

280. Carrera's government was based on force, but he respected his neighbours and did not attempt any new invasions as long as he did not feel threatened. He entered into diplomatic relations with Belgium, Mexico, the Hanseatic republics, Spain (which thus formally recognized the independence of Guatemala on 29 May 1863), and even with Great Britain - at the price of the Wyke-Aycinena treaty of 1859, which recognized the boundaries of Belize (British Honduras) at the River Sarstún, thus enlarging that territory to three times its original size in total contradiction to the Clayton-Bulwer treaty, under which great Britain had undertaken not to establish or maintain territorial bases in Central America.

281. However, during his last years in power Carrera intervened in the internal political affairs of El Salvador. He attacked President Gerardo Barrios, an important liberal leader in that country, and defeated him in 1863, bringing about his downfall and indirectly the dismal fate which subsequently overtook him.

282. To the consternation of his party, General Rafael Carrera died on Good Friday, 18 April 1965. He was still in the prime of life, aged only 51; he had been born in the La Parroquia district of Guatemala City on 25 October 1814. He was the son of Simón Carrera and Juana Rosa Turcios, residents of the village known as Lo de Rodriguez, close to the capital.

283. Carrera was succeeded in power by General Vicente Cerna, who remained President of Guatemala until June 1871, when he was overthrown by the liberal revolution headed by Miguel García Granados and Justo Rufino Barrios. Generally speaking, it can be said that under Carrera and Cerna Guatemala enjoyed economic stability, principally on account of exports of cochineal to Great Britain. The credit of the government was such that it was able to acquire precious metals with which it struck gold coins of various denominations (generally known as "carrereñas" or simply "carreras") and peso coins with a high silver content.

284. The conservative regime established the Economic Society of Friends of Guatemala and the commercial consulate. Roadways leading to the principal cities and some ports were opened and coach services were established, for which purpose it was necessary to build bridges and improve the old roadways. During this period, too, the cultivation of various useful crops - such as coffee, which was later to become an important export product - was encouraged.

285. Vicente Cerna, who had been a distinguished general under the orders of Carrera, maintained the strong conservative government which had established itself in Guatemala. A rising under the leadership of Fernando and Serapio Cruz was suppressed in 1867. Two years later, Serapio Cruz was defeated and beheaded at Palencia, near Guatemala City. A photograph was taken of the remains of the unfortunate leader, thus perpetuating unnecessarily the memory of the barbarous nature of his death. Under Cerna there was some material progress. The first telegraph lines were introduced, and studies were carried out for the construction of a railway (in imitation of the companies which had opened the railway in Panama in 1849-55 and the work which was beginning in Costa Rica).

The liberal regime

286. Following the reelection of Cerna (and that of Dueñas in El Salvador) discontent with the conservative regimes grew. Dueñas was overthrown by General Santiago González in April 1871, and a group of Guatemalans was bold enough to criticize the dictatorial government of Cerna in Congress. The leader of that group, Miguel García Granados, was forced to leave the country for his own safety; he went to Mexico, where it is said that he obtained the support of President Benito Juárez.

287. An invasion of Guatemala was imminent when a rebel from the Serapio Cruz group joined the García Granados group. Justo Rufino Barrios had important connections in the Los Altos region; after completing his studies as a notary at the University of Guatemala he turned to agriculture; he owned the El Malacate estate on the frontier between Soconusco and Guatemala.

288. The revolutionaries were extremely optimistic, since they had a number of Remington rifles. These proved essential in obtaining the easy victories they achieved in the western frontier regions; in addition, Barrios was unquestionably familiar with the terrain and proved himself a skilful general on the battlefield in actions such as those at Tacaná, Laguna Seca, Coxón and Tierra Blanca.

289. The forces of President Cerna were in full retreat when a provisional government was installed (Act of Patzicía) with García Granados as President and a liberal reform programme. The final battle took place at San Lucas, near the Old Guatemala City, which overlooks the capital. Cerna fled the country; the revolutionaries marched into Guatemala City on 30 June 1871 and inaugurated a new political era which brought about major changes in the country's economy and society.

290. The liberal reforms were fundamentally a programme of government based on that of the Morazán and Gálvez regimes, which were to be introduced some years later than originally intended. However, Miguel García Granados was a moderate politician who believed in a slow pace of change for both people and government and did not wish to embitter the personal relationships arising from his family

connections with the Guatemalan aristocracy. One of his first concerns was the reorganization of the army, which was lacking in an adequate cadre of officers. On 1 September 1873 the Polytechnic College (a military training centre) was opened.

291. Barrios was appointed Governor of Quetzaltenango. He very soon realized that to establish liberalism within that province he would have to break the influence of the Jesuits there. He therefore decided to get rid of them and sent them away to Guatemala City. The problem was thus passed on to García Granados. The President, wishing to avoid a direct confrontation, went away to the eastern provinces of the country to put down a rebellion, appointing Barrios acting President.

292. However, the successful military campaign conducted by García Granados did not make the same impression in Guatemala City as the young Barrios. The latter had ordered the expulsion of the Jesuits, Archbishops Piñol and Aycinena, the religious orders and some priests who were unwilling to adapt to the regime. When García Granados returned, he could barely recognize his moderate programme of government.

293. The new system was that of Barrios, who was prepared to crush opposition by exile, imprisonment and floggings - for he considered that degrading punishment the most effective means of changing the conservative mentality of his compatriots. Thus the provisional government of García Granados came to an end, for it was felt that the convening of a constituent assembly and the establishment of a government enjoying popular support was a more suitable method of implementing the radical reforms which were taking place - or of restraining Barrios's methods.

294. In the popular election a substantial majority of the votes were cast for Barrios, either out of fear or from a genuine desire to establish liberalism and to effect radical changes in the legal, political, economic and social structures of the country. It must be admitted that Barrios's programme was probably a good one; but the methods he used to implement it were often cruel and invariably involved recourse to despotic methods.

295. Progress was the catchword of that time, and positivism, as propounded by José Francisco Barrundía some 20 years earlier, was the philosophy underlying it. Barrios was not a speculative thinker; his mind was a pragmatic one. He broke the influence of the Church and used the monastery and convent buildings as schools and public buildings; he took over the uncultivated Church lands to establish coffee plantations; and he seized Church funds to establish banks, which he hoped would transfer wealth into the energetic hands of the new agricultural and industrial enterprises.

296. Education was the linchpin of his programme of reform. He founded colleges for primary school teachers in Guatemala City, Quetzaltenango and other provinces. He wanted to see a school open in every small town, and even in every village - schools for the poor, for the Indians and for craftsmen; and night schools for the working classes. To this end he brought in and made welcome schoolteachers and technicians from Spain, Switzerland, Cuba and North and South America. The schools he founded were practically orientated; the same was true of the University, where teaching of medicine, law and engineering was encouraged at the expense of metaphysics and philosophical speculation. Teaching

of English and French was made compulsory at secondary-school level, and English was eventually even taught in primary schools; but Latin and classical studies were unnecessarily dropped.

297. During his administration a good network of communications, comprising roads, railways, telegraphs and telephones, was developed or planned. In addition, seaports were built or opened. Trade and industry were encouraged. The legislation regulating commerce, public accounting and customs tariffs was modernized. Rates of interest on capital were regulated and substantially reduced. New lands were opened up for agriculture, and the property rights of the new landowners were safeguarded.

298. But where was the money to come from for this ambitious programme ? Barrios had decided that it would come from the clergy and the aristocracy. Unfortunately, being himself a landowner in the western part of the country, he thought of the Indians as good-for-nothing agricultural workers who would have to be made to work before they could be in a position to enjoy the benefits of progress. This was undoubtedly the worst of his mistakes; combined with the weight of tradition, it condemned his programme to failure in the long term, since it left the indigenous communities exposed to abuse by the coffee planters and other entrepreneurs through a despotic system of forced labour.

299. Barrios intervened in Honduras and in El Salvador to install liberal governments in both countries. Dr. Marco Aurelio Soto, formerly Minister of Education in the Government of Guatemala, was elected President of Honduras on 27 August 1876, and Dr. Rafael Zaldívar was elected President of El Salvador with the assistance of Barrios. The pretext for these interventions was principally that conservative émigrés has received asylum in those countries; but Barrios was convinced that the new Presidents of Honduras and El Salvador would support his plans for a Central American union.

300. In 1873 a constituent assembly had confirmed Barrios in office as President until 1880; but formal discussions on the promulgation of the Constitution of Guatemala did not begin until 1879, by which time the country already had civil and penal codes prepared by two distinguished lawyers, J. Fernando Cruz and Miguel Antonio Saravia. The 1879 Constitution, with a few amendments, remained the basic law of Guatemala until 1945; the two codes were reviewed recently (in 1964). The legislation adopted as part of the reform process stimulated the progress of the country and may be considered as advanced for its time; however, it served as a means of strengthening the power of the executive to such a degree as to give rise to the type of autarkic government practised by Barrios and his successors.

301. At about this point in his political career Barrios judged that circumstances were favourable for the implementation of his project of union. But before launching his government on the grand venture which appears to have occupied his energies during his final years, he wished to settle the problem of the frontier with Mexico.

302. The Ministry of Foreign Affairs had kept the question of the frontier with Mexico pending, following a policy of peaceful negotiation, even though it appeared difficult to secure from the Government of Mexico a solution favourable to Guatemalan interests. Finally Dr. Lorenzo Montúfar, the Guatemalan Minister in Washington, was instructed to seek the arbitration of the President of the

United States in this delicate matter, which might possibly also include recognition of Mexican sovereignty over the province of Soconusco. This district, which had formed part of Chiapas during colonial times, remained under Guatemalan administration after independence, since the great majority of its population had opted for the Central American Union rather than Mexico, which it was accepted had occurred in the rest of that State. The situation continued until 1842, when, as was seen earlier, Soconusco was invaded on the orders of President Santa Ana following the death of Morazán and the collapse of the Central American Union.

303. Montúfar had discussed these questions in Washington with a view to reaching a reasonable settlement, giving way on some points and endeavouring to secure an advantage on others; but President Barrios considered that his minister was moving too slowly and that, at the rate things were going, the question of the frontier with Mexico would remain as undecided as previously. He therefore decided to go to the United States himself in order to secure a final settlement as rapidly as possible. Barrios was certainly a good President, even if he did enjoy despotic powers; but he was no better a negotiator in the diplomatic field than his Minister, Montúfar, who was one of the leading figures in the Guatemalan liberal movement. The latter declined all responsibility in the matter; he submitted his resignation in bitter and violent terms and denounced to public opinion the arbitrary procedure adopted by the President for the settlement of the problem of the frontier with Mexico, beginning with the precipitate cession of Soconusco without obtaining any compensation, economic or otherwise, for Guatemala.

304. Barrios has been bitterly criticized for his unfortunate intervention in the settlement of the problem of the frontier with Mexico; his detractors even went so far as to insinuate that the ill-fated settlement was a kind of reward to the Government of Mexico for the small but decisive amount of aid given to the revolution, organized in Chiapas with the acquiescence of Benito Juárez and Lerdo de Tejada, at its beginnings in 1871. This astounding accusation need not be taken literally - first, on account of the time elapsing between 1871 and 1882; and secondly, because in any case it would have been García Granados, and not Barrios, who would have concluded an agreement with Mexico. Barrios only joined the revolutionary forces at a late date. There is no conclusive evidence that Barrios took part in negotiations with the Government of Mexico or its agents to obtain the initial aid received by the movement headed by García Granados.

305. When the President informed the Guatemalan nation of the settlement arrived at on the question of the frontier with Mexico, he was fully aware of the seriousness of the decision he had taken. Without concealing any factor, he stated to the nation that that was the action for which he was due to be most severely censured, but that he had taken into consideration every factor and considered in all sincerity that if the boundary line between Mexico and Guatemala was not fixed, even at the price of relinquishing what was already irretrievably lost, the incursion by Mexico into Guatemalan territory would have continued firmly and indefinitely, as it had done up to then. He believed that he had acted wisely, and, in defending the treaty on the frontier, he added that he had not demanded any compensation from Mexico because, if there had been any doubt in his mind concerning the de facto situation which had existed since 1842, he would never have put the interests of Guatemala into negotiation.

306. The President signed the treaty fixing the boundaries with Mexico in 1882; it was couched in terms stipulating the complete relinquishment by Guatemala of all rights over the province of Soconusco. Unfortunately other clauses in the treaty, which had not been studied as carefully as the question of Soconusco, later encouraged the government of General Porfirio Díaz in Mexico to make new demands, in respect of territories which had not previously been in dispute, as a result of which Guatemala lost territory in the western and northern parts of El Petén during the slow process of establishment of the frontier line by boundary commissions which did not always have the support of a strong authority such as that of Barrios. This may give a better understanding of the reasons why Barrios feared a prolongation of the territorial dispute and of the drawing of the boundary line between the Republic of Guatemala and the territory of Soconusco.

307. In addition, it has to be remembered that President Barrios saw the Soconusco question as one which must be settled in order to secure Guatemala's western frontier before embarking on the ambitious campaign to create a Central American union.

308. Following his brief and ill-starred visit to the United States, Barrios went to Europe and on his return resumed his duties as President on 6 January 1883. He then began work on his project of union, which he thought would bring to Central America the type of satisfaction recently experienced by Italy as unified by Garibaldi and by the progressive United States.

309. In launching his campaign for union, President Barrios had full confidence in the strength of his army and in the security he had obtained by fixing of the frontier with Mexico, for he no longer feared an attack in the rear. Even more important, the Presidents of El Salvador, Honduras and Costa Rica (Rafael Zaldívar, Marco Aurelio Soto and Tomás Guardia) were sympathetic to the idea of union and seemed ready to back the plans carefully prepared by the President of Guatemala.

310. General Barrios soon had to realize that the presidents of the other Central American States were not free from political commitments. Dr. Marco Aurelio Soto resigned from the Presidency of Honduras in mid-1883; he was succeeded in office by General Luis Bográn, a personal friend of Barrios. Subsequently Bográn was the only Head of State to give firm support for the decree proclaiming the Central American Union issued by Barrios on 28 February 1885. The other Central American governments considered that the President of Guatemala, in his unbounded ambition, was merely seeking to extend his personal dictatorship to the whole of the isthmus. Local loyalties proved stronger than the unionist cause.

311. Seeing the failure of the initial diplomatic negotiations, which did not arouse he enthusiasm he had no doubt hoped for, Barrios, still convinced that some arrangement could be found, decided to mobilize his army on the El Salvador frontier in order to intimidate President Zaldívar. At the end of March Guatemalan troops invaded the Republic of El Salvador. On 2 April 1885 President Barrios was in the front line at Chalchuapa, at the head of the Jalapa battalion (one of his favourites), when he was hit by a bullet; he died a few moments later. For this reason he is considered as a martyr of the Central American Union.

312. Justo Rufino Barrios was born on 19 July 1835 in the village of San Lorenzo (Department of San Marcos); he was the son of José Ignacio Barrios and María Josefa Auyón. At the age of 39, on attaining power, he married Francisca Aparicio Mérida.

313. The news of Barrios's death caused consternation in political circles throughout Central America, and especially in Guatemala and El Salvador. It was in a sense the beginning of a new era.

314. On the death of Barrios, and following a brief interregnum, Manuel Lisandro Barillas became President of Guatemala (1886-1892). The conservative reaction was quickly brought under control, but it also became necessary to demonstrate that liberalism was ready to return to the principles of its founder, and Archbishop Ricardo Casanova y Estrella had to be exiled. However, political tension between Guatemala and El Salvador continued, especially after the coup d'Etat of the Ezetas. Generally speaking, Barillas was a moderate president who directed his efforts to consolidating the continuity of the liberal government in Guatemala by means of agreements with the neighbouring countries.

315. General José María Reyna Barrios, the nephew of President Barrios, was elected and became President in 1882. He had spent part of his youth in Paris and wished to modernize Guatemala. To that end he had marble palaces built, statues erected, boulevards opened and gardens designed; he greatly stimulated public education by means of the "first Central American congress on education"; and he continued the construction of railways with domestic funds. By the end of his term of office the country was impoverished. Gold and silver coins began to be withdrawn and replaced by banknotes of obligatory legal tender. When rumours spread about the possible reelection of the President, insurrections broke out in the eastern and western provinces. Reyna Barrios dissolved Congress and proclaimed himself dictator. But on 8 February 1898 he was assassinated by a foreigner, Oscar Zollinger.

316. Reyna Barrios was succeeded by Manuel Estrada Cabrera, a Quetzaltecan lawyer of humble origins; he had been Minister of the Interior and was consequently first in line to become President of the Republic. Reelected several times, he remained President for 22 years, partly because there was no desire for political change in Central America during the initial period of the construction of the Panama Canal, and partly on account of the political and economic restrictions in force prior to and during the First World War. Opposition to Estrada Cabrera was vigorous during the first eight years of his period of office. But following 1907, once the Washington agreements had been signed, the President felt sure of his position. During his period of tenure there was some material progress and peace reigned throughout the country. In 1906 Estrada Cabrera signed contracts for banana cultivation in plantations situated in the north-east of the country; and the Atlantic-Pacific railway was opened following the completion of the section between Guatemala City and El Rancho de San Agustín Acasaguastlán. A great deal of fuss was made about the opening of this railway; but the truth is that it was completed almost 50 years after the opening of the publicly-owned inter-oceanic railway in Panama, and that, moreover, the Government of Guatemala had found it necessary to relinquish its ownership of the railway companies, which gradually passed into the hands of foreign investors such as Ninor Keith of New York and William C. van Borne of Montreal.

317. Estrada Cabrera continued to rely on the support of the liberal party, which had kept control of public affairs since the time of the 1871 revolution. To maintain the prestige of his presidential career he expanded public education, implementing some of the recommendations of the Central American Congress on Education mentioned earlier. The plan for primary education laid stress on manual and agricultural work and on training for certain practical occupations such as printing and bookkeeping.

318. The success of the practical schools - which were established in the administrative centres of most of the departments - must have surprised the President himself. He, without disregarding the opinions of his closest advisers, encouraged the celebration of a number of festivals dedicated to the goddess Minerva ("minervalías") and declared himself the protector and friend of youth. These festivals constituted a source of much personal satisfaction for President Estrada Cabrera and at the same time an excellent product for export to the other countries of the Americas, who looked on the civil ruler of Guatemala as a standard-bearer of public education. The intellectuals of Guatemala succumbed to the attractions of these festivals to the goddess of wisdom, and many well-known writers - such as J. Joaquín Palma, Alberto Mencos, Máximo Soto Ball, Manuel Valle, Joaquín Méndez, Francisco Castañeda, José Flamenco, José Rodríguez Cerna, Pío M. Riépele, Salvador Falla, Valero Pujol, Natalia Górriz de Morales, Virgilio Rodríguez Beteta - and the cream of intellectual society of the time frequently took part. The President made much of his patronage of letters and of education, and during his time famous American writers such as Rubén Darío, Porfirio Barba Jacob, José Santos Chocano and other too numerous to mention lived in Guatemala.

319. Unfortunately the Minervalías were only a facade. The great majority of pupils continued to receive an inadequate education, and the pay of their teachers remained abysmally low. Even so, President Estrada Cabrera must be credited with his interest in educational and cultural questions.

320. During his long period of tenure Estrada Cabrera encountered a number of difficult situations. First, there were the revolutions organized by Próspero Morales in the western regions and by José León Castillo in the east. Both were failures. At the beginning of 1902 the Guatemalan frontier was threatened by an El Salvador army under the leadership of the President, General Tomás Regalado, who was relying on the support of the President of Nicaragua, General José Santos Zelaya. Estrada Cabrera mobilized some 30,000 men. But no military action took place, and the tension was relived by diplomatic means.

321. In May 1906, revolutionary forces led by the former President of Guatemala, General Manuel Lisandro Barillas, crossed the western frontier into the country in the neighbourhood of Ocós. But on 2 June following, some 400 revolutionaries occupied the town of Asunción Mita in the east. Estrada Cabrera then declared war on El Salvador. The former President of that country, General Regalado, set up his headquarters at Santa Ana and on 10 July marched on the Guatemalan frontier. The El Salvador column passed through Jerez heading for El Jícaro. It continued to advance towards Quetzaltepeque and the hill of Quimixtepeque. But as General Regalado advanced through the El Entrecijo pass on muleback he was riddled with bullets; a number of those with him suffered the same fate.

322. The situation changed radically, and on 20 July of the same year representatives of the governments of El Salvador, Guatemala, the United States

and Mexico signed the peace treaty between the two Central American States on board the cruiser Marblehead.

323. This treaty consolidated the administration of Estrada Cabrera, who had had himself reelected for a second term in 1904. Having emerged victorious from the campaigns conducted by his generals, and having liquidated all his opponents - Próspero Morales, José León Castillo, Regalado and ex-President Barillas (who was assassinated in the street in the centre of Mexico City on the orders of Estrada Cabrera) - the dictator no longer had anything to fear and began to conduct public business with a heavy hand. The only course open to the opposition was the physical elimination of the President; and over a number of years there were a series of attempts on his life, some of which became famous, such as "the bomb", the "cadets" and, to a lesser degree, "the pointed hats" (los cucuruchos). The personal attempts on the life of Estrada Cabrera only served to intensify the political repression. The President became more and more of a recluse. The fulsome praise lavished on him reached heights at which he was compared to the greatest statesmen of all time. The university awarded him an honorary doctorate, and the assembly voted him the title of "benemérito".

324. The memory of the construction works undertaken under the administration of Reyna Barrios inspired the President to undertake the construction of a number of buildings, such as the central customs office, the Directorate-General of Posts, the Joaquín asylum, the artillery barracks and an ambitious plan for a government building. Urban development projects were also implemented, such as the Manual Estrada Cabrera Park, on the site of the old Jacotenango Square (today known as Morazán Park); the racecourse on the north side of the city, where the temple to Minerva was erected; and some monuments, such as that to the army, placed at the entrance to the Northern railway station.

325. But the economic situation in the country - which, since the first Central American exhibition held in the time of Reyna Barrios, had suffered many setbacks - was becoming daily more difficult on account of the shortage of silver coinage in circulation and the issue of banknotes of compulsory legal tender and finally the issue of totally unbacked paper money. It is thought that during the third period of office of Estrada Cabrera some 200 million pesos' worth of paper money of compulsory legal tender was issued, and nobody could see any way of easing this irregular situation.

326. In 1914 the First World War broke out and conditions in commerce became more and more precarious, partly because of the lack of a strong currency and partly because of the difficulty of maintaining international trade. The crisis deepened with the earthquakes of 1917-1918, which destroyed Guatemala City and many other large towns in the interior.

327. The regime of Estrada Cabrera has been described as a sordid period of police dictatorship. The earthquakes caused a breakdown of many established habits among Guatemalans, who were forced to live together in hastily-constructed barracks, the highest social classes together with the lowest, whose poverty was plainly visible, and who thus came to form a view of society in general. The old dictator could no longer maintain the strict police control to which the inhabitants of the ruined city had become accustomed and took refuge in his private barracks at La Palma.

328. The First World War came to an end. The League of Nations was founded. Democratic principles were being disseminated by the Press. In March 1920 a "unionist" popular movement with conservative party leaders proposed to break up the structure of dictatorship. Estrada Cabrera's reaction was swift and violent. The city was declared to be in a state of siege and subjected to an intense bombardment from La Palma. But in vain; the movement was unstoppable. Finally, Congress deposed Estrada Cabrera, declaring him insane and removing him from office. On the intervention of the diplomatic corps his life was spared, but be was placed on trial and spent the last years of his life preparing his defence.

329. Manuel Estrada Cabrera was born in the town of Quetzaltenango; he was the son of Pedro Estrada Monzón and Joaquina Cabrera. His marriage to Desideria Ocampo does not seem to have been a happy one. She died in Nice (France) while Estrada Cabrera was still in power.

330. Carlos Herrera, a rich coffee planter of moderate tendencies and a member of the conservative party, took over the Presidency during the transitional period, which was marked by popular exaltation and political dreams of unionism. One hundred years had passed since the Declaration of Independence on 15 September 1821; and it was considered appropriate for the centenary of that glorious occasion to restore the Central American Federation. To that end a congress of all the municipal authorities in Central America met in Old Guatemala City. A covenant of provisional union was signed in San José de Costa Rica on 19 January 1921, and a congress was convened in Tegucigalpa (Honduras) which promulgated the Basic Act of the Central American Republic. In Guatemala City, too, a centenary palace was built in which the independence celebrations took place. But suddenly, on 5 December 1921, a military coup d'Etat led by Generals José María Lima, Miguel Larrave and José María Orellana overthrew the government of Carlos Herrera on the grounds that he had gone too far with the unionist programme and was beginning to endanger the sovereign rights of the Republic of Guatemala.

331. Prominent conservatives were harassed, and the expulsion of archbishops Muñoz and Capuró was ordered. The congress meeting in Tegucigalpa refused to recognize the liberal government of José María Orellana. Guatemala and the other Central American States found themselves once again in charge of their own destinies as separate, sovereign and independent nations, notwithstanding their having responded to the call for union at the festivities marking the centenary of the independence of Central America. The peace conference which ended in a treaty signed in Washington on 4 December 1922 put an end to the political tension existing among the Central American States and was a natural consequence of the failure of the unionist movement.

332. In 1924 President José María Orellana introduced the new Guatemalan currency, the unit of which was the quetzal, equivalent to one United States dollar. This currency has remained in circulation without change ever since, over 48 years - a record in Latin America, where under the influence of events in the international field monetary systems have generally been unstable. President Orellana died suddenly in the Manchén Hotel in Old Guatemala City on 26 September 1926.

333. Orellana was succeeded in office by general Lázaro Chacón, who also died while in office. His government was moderate and progressive, but its popularity suffered considerably during the election proceedings, since he had been imposed

by the liberals against the wishes of a section of that movement led by General Jorge Ubico. He also had to deal with the international tension caused by the settlement of the problem of the frontier between Guatemala and Honduras, in which the principal points at issue were the interests of the banana companies which exercised considerable influence in both countries.

334. On the death of General Chacón the Presidency was held on a provisional basis, first by Baudillo Palma, then by General Manuel Orellana, who led a military takeover in December 1930, and Finally by Lic. José María Reyna Andrade. The latter organized elections and relinquished the first Presidency to the candidate of the Liberal Progressive Party, General Jorge Ubico, who took office on 14 February 1931, although officially his term did not begin until 15 March of that year.

335. General Jorge Ubico had been Minister of War during Orellana's term; he had been responsible for organizing and controlling the cordon sanitaire during the influenza epidemic at the end of Estrada Cabrera's period of office; and as political head (Governor) of the department of Retalhuleu - one of the most important in the country on account of its high level of coffee production - he had shown himself to be a good organizer, a lover of order and a man concerned with material progress.

336. His term of office began under the worst possible auspices, coinciding with a sharp fall in the price of coffee, the country's basic export product. The situation was aggravated by a substantial curtailment of the amount of money in circulation which had begun with the exchange of paper pesos for quetzals at a rate of 60 for 1.

337. As some of his biographers point out, General Ubico was not a man to be intimidated by such a situation. With unusual firmness he took measures designed to restore confidence in the quetzal, and during the first years of his government all remaining bronze pesos and nickel reales were withdrawn from circulation and replaced by silver coinage, which seemed to symbolize a new order. At the same time he set about bringing the State budget under control by means of substantial savings, which soon began to bear fruit.

338. The readjustment was a harsh process. General Ubico handled the public finances as if he was dealing with the situation of a mortgaged farm. The pay of public employees was cut back considerably; all superfluous expenditure was reduced; and recourse was had haphazardly to all the unpaid tasks which a State is forced to require its citizens to perform during emergencies. Work was started on the rehabilitation of old abandoned roads with forced labour in the form of a road tax imposed on the peasants, most of whom were unable to pay in cash.

339. The citizens accepted the sacrifices which this situation presupposed, if not eagerly, at least fairly willingly, since public funds were being handled in a manner favourable to national interests and with a high degree of honesty.

340. The low levels of pay, and the very low levels of taxes on landed property, although paid regularly, encouraged local and foreign investors. The cooperation which the major United States companies established in the country (United Fruit, International Railways of Central America, Tropical Radio, Light and Power) received to ensure their stability secured for President Ubico the

favourable treatment extended to other Latin American countries under United States President Roosevelt's "good neighbour" policy. Special attention was paid to public health, and new roads were opened, including the greater part of the Pan-American Highway.

341. During its first four years the government of General Ubico was almost ideal for Guatemala. The beneficial effects of an honest and hard-working administration gradually began to make themselves felt. But in parallel with this fundamental characteristic of the government one could observe a strengthening of some of the most negative features of the President's character which were making themselves felt even in the public administration. The business of government was becoming increasingly concentrated in the hands of the President or his immediate secretaries. The tendency to centralize, which has always afflicted the rulers of Guatemala, was becoming more apparent. Some institutions, such as the legislature and the judiciary, which had previously enjoyed a measure of autonomy, lost it almost entirely. It can be said that no measure was taken within the administration without prior consultation of the ruler. Justice was imparted in accordance with the instructions of the Ministry of the Interior. A constitutional reform put an end to the procedure whereby the members of the higher courts and the judges were elected directly by the people. Municipal autonomy and the traditional election of mayors also became memories; even the name of "mayor" was changed to that of "municipal intendant", and the officials concerned were appointed by the executive for unspecified terms.

342. The approach of the elections due to take place towards the end of the first four years of government caused concern for many individuals who had laboured for nearly 10 years to raise General Ubico to the Presidency. He had come to power thanks to a combination of political circumstances which had permitted two mutually hostile parties to join together in the Liberal Progressive Party. As a result Ubico had been able to form a practically unopposed single-party government. It was reasonable to assume that the election process would give rise to the formation of new parties which would put forward candidates for the Presidency and give rise to new divisions within the Guatemalan family.

343. It can be said that nobody would have gone so far as to form the idea of forming a party to oppose liberal progressivism. But within that party some politicians, to keep alive the principle of alternation of power, had discussions with a view to examining the possibility of putting forward a candidature distinct from that of the ruling party.

344. The movement was repressed swiftly and savagely. Some of the persons involved could be considered as important figures in the liberal progressive movement; it was believed that their positions would secure pardons for them notwithstanding the gravity of the political charges laid against them as from the start of the first judicial investigations. The best-known of all of them was Lic. Efraín Aguilar Fuentes. Some citizens, such as Jorge García Granados, were brave enough to address petitions to the President begging him to spare the accused from the death penalty. The result was that García Granados was taken to the central prison to witness the executions, following which he was sent into exile. It is believed that he owed his life to the fact that the celebrations of the 100th anniversary of the birth of General Justo Rufinc Barrios, whose name was to be celebrated together with that of Miguel García Granados, was approaching. In this context the centenary of Barrios was celebrated on

19 July 1935. Prior to this event, major urban development works had been undertaken in the southern part of the city. These included the extension of 7th Avenue as far as Los Arcos, the erection of the Tower of the Reformer, the reconstruction of the Charles III fountain and the rebuilding of the old central airport on the La Aurora Estate. The equestrian statue of Barrios was moved to a small square near the railway station, whence it was moved again to decorate the Avenida de las Américas (instead of the Paseo de la Reforma, where it originally stood). These achievements permitted the further expansion of the city southwards which had begun when President Reyna Barrios ordered the construction of the Bulevar de la Reforma.

345. When his second term of office began, General Ubico had substantially changed the political situation in Guatemala. The taxation position had been successfully balanced. The national budget was beginning to show a small surplus, almost for the first time in a century. Ubico and the Liberal Progressives could feel satisfied with the work accomplished, and they were in a position to promote the general development of Guatemala.

346. The time was ripe to take advantage of all the country's resources and its international credit standing, as well as of the economic benefits which could be obtained from the "good neighbour" policy, to launch a frontal assault on the serious problems which face under-developed countries in rural areas and in industry - lack of communications, electricity, etc. In the constructive and orderly context of the time it would have been easy to prepare the country for the radical economic and social changes of the second half of the 20th century.

347. But the great problems facing the country were not tackled. Most of the population remained illiterate; malnutrition, tropical diseases and the exploitation of Indian labour by national and foreign landowners and entrepreneurs continued unnecessarily and with the acquiescence of the authorities. Although the debts of the peons were cancelled in 1934, a law prohibiting vagrancy among Indians was introduced requiring them to prove that they had worked for at least 150 days each year; the only mention of remuneration referred to a long-established custom of payment of 10 centavos per day. This law guaranteed cheap and semi-compulsory labour for all entrepreneurs in Guatemala; moreover, to the knowledge and resignation of those who could - or were required to - defend them, abusive practices concerning their pay booklets often occurred.

348. The resources of the nation were channelled into the construction of the National Palace, designed to house the central government offices; this measure increased the autocratic nature of the administration. Roads were built by outdated and uneconomic methods; roads were opened up to isolated places, but they were not paved, and the bridges were temporary wooden ones which had to be replaced every year. Other public buildings were constructed according to similar non-functional criteria to such a degree that it was sought to imitate in them - both externally and internally - the colonial style, ill-suited for buildings which were to house telecommunications services, the national police and typing, airport and central customs services. Fortunately the public health building was constructed by the Rockefeller Foundation; the Roosevelt Hospital was planned, and its construction begun, in the same way.

349. In 1933, with the intent of disseminating knowledge of the general progress achieved in various branches of activity within the country, the

"November Fair" was organized. It included buildings for agricultural and industrial exhibitions (one of them now houses the Archeological Museum of Guatemala). The November Fair might have served to demonstrate the necessity of certain measures which would release the country from its backward state; but in actual fact it was no more than an echo of the exhibitions held in the time of Reyna Barrios. In any case the outbreak of the Second World War precluded all possibilities of breathing new life into the national economy; but it did serve to secure the third reelection of President Ubico, who, like other Latin American rulers, declared war on Japan, Germany and Italy following the attack on Pearl Harbour.

350. From then on the isolation of Guatemala deepened. In the economic field the impact of the war curtailed the activities of daily life to an alarming degree on account of the restrictions and rationing of imports of vehicles, oil and its derivatives, building materials and many other products of European and North American manufacturing industry. Coffee prices remained very low, at about 5 quetzals per quintal oro (about 45 kg).

351. The national police force was looked upon as an espionage organization, prying into the daily lives of the citizens. Law and order, silence and conformity were the hallmarks of the period.

352. Normal economic activity was interrupted or prevented by the government, mainly with regard to agricultural produce, which was difficult to export and commanded only very low prices in local markets, making it necessary to keep wages extremely low in both town and country. The government had some reserves and good credit; but, far from putting these financial resources into circulation - which would have served to ease, at least partially, the situation - it withdrew further into itself and continued to pursue the he same policy of economy and austerity which had yielded good results at the beginning of the decade but was now seen as counterproductive and was, moreover, deepening the general poverty.

353. Some of the government's more perceptive advisers certainly uttered warnings that in future economic problems would have to be solved along technical lines and indicated the desirability of creating a Faculty of Economics attached to the National University; but that foundation created was of an extremely impermanent nature and did not have the specialist teaching staff needed to lay the foundations for its work.

354. In line with trends elsewhere, the national broadcasting system was developed to a certain extent. The radiotelegraphy school was founded. A beginning was made with the broadcasting of news bulletins, one of the fourding fathers of which was the author Miguel Angel Asturias, the founder of the Diario del Aire.

355. In the educational field the Ubico government continued to uphold the principles of non-sectarian, compulsory and free education recommended by the liberal movement; but teachers were still poorly paid, and their work was not given the status it deserved.

356. The Ministry of Education, possibly in response to some of the intellectual concerns expressed by Lic. J. Antonio Villacorta, sponsored the publication of major historical works. It also supported the Geographical and

Historical Society, in response to the concerns of which a start was made with the organization of the National Museum, located at what used to be known as the Calvario, on a hill at the end of Sixth Avenue above 18th St. The archeological museum was also established in the central zoological building in La Aurora, and the national archives, under the direction of Prof. Joaquín Pardo, began to perform technical work. In addition, the supervision of major archeological studies being conducted by the Carnegie Foundation on Washington at El Petén, Quiriguá, Zaculeu, Piedras Negras and Kaminal Juyú, was begun.

357. Guatemala's participation in the Second World War, and discussion of the democratic ideas that that implied, helped to arouse within the country a spirit of resistance to totalitarianism which developed in university circles (mainly in the law faculty) and among teachers and the younger soldiers. The students had suffered severely for their opposition to the regime. The traditional "Dolores strike" had been suppressed at the first attempts to begin organizing it. The Higher Normal School was closed down in the same manner.

358. To reduce the political tension some ceilings on student numbers were abolished and minor changes were made among the teaching staff. But in mid-1994 the student opposition produced echoes within other groups of intellectuals, traders and members of the armed forces; even public demonstrations were organized. In one of these, held on 25 June, a woman teacher, María Chinchilla, was killed; this gave further impetus to the civic movement.

359. A total of 311 lawyers, professionals, university staff members and other well-known persons sent a petition to the President, demanding guarantees for all citizens with regard to the peaceful public expression of opinions and the return to constitutional standards - one of which was that the principle that the outgoing President could not be reelected.

360. The police then directed all their energies into harassing the principal leaders of the movement, one of whom was the writer Manuel Galich, the author of "Del pánico al ataque". Just when it seemed that Ubico was gathering all his forces to crush the movement with unusual severity, on 1 July 1944 he resigned from the Presidency and handed over power to a military triumvirate consisting of Generals Federico Ponce Valdes, Buenaventura Pineda and Eduardo Villagrán Ariza. The outgoing President did not leave the country but retired to his home on 14th St. He died in New Orleans on 14 June 1946, aged 66. He was the son of Arturo Ubico and Matilde Castañeda and married María Lainfiesta.

361. By decision of the Legislative Assembly General Ponce Valdes provisionally assumed power. He issued laws to abolish the monopolies of the sugar mills and the charcoal factories. He gave some freedom to the Press and introduced some trappings of democratic government during the early days of his brief administration. He ordered presidential elections, which were to take place shortly; and he did not dismiss any public employees. However, when two parties - the Popular Liberation Front and National Renovation - were formed supporting the candidature of Dr. José Arévalo, General Ponce Valdez, supported by the Liberal Progressives and misled by personal ambition, began to harass the political parties which were attempting to constitute themselves, and it became clear that he would be the official candidate while still in office.

362. Deputy Alejandro Córdova, the director of the daily newspaper El Imparcial, criticized the tactics of the supporters of Ponce and was murdered by the police in front of his home.

5. The modern period

363. The death of Córdova gave rise to nation-wide revulsion. Late on the night of 19 October 1944 a number of young soldiers and university students, together with citizens from other walks of life, seized the Guard of Honour, one of whose tank commanders, Major Francisco Javier Arana, let the revolutionaries in. In the early morning of 20 October fighting for control of the city broke out between the troops loyal to the government and the Guard of Honour, supported by the people. The tactical skill with which this armed uprising was conducted was such that the forts of Matamoros and San José were soon put out of action; the latter's magazine was blown up by a cannon shot. After a few hours the outlook for the government was poor; General Ponce Valdes was forced to resign and seek asylum in the Mexican Embassy.

364. A junta consisting of Major Francisco Javier Arana, captain Jacopo Arbenz Guzmán and the civilian Jorge Toriello took over the Presidency. Backed up by a cabinet made up of outstanding intellectuals, the junta took extremely sensible measures.

365. The Constitution was set aside, presidential elections were called and government was carried on with a maximum of scope for democratic principles. However, some 1,000 individuals - among them ex-President Ubico - had to leave the country, and the junta governed practically unopposed.

366. The new Constitution of the Republic, which came into force in March 1945, contained some innovations, including the creation of a High Command of the Armed Forces and the Higher National Defence Council, the supreme body of control of the army.

367. A decree of the revolutionary junta granted autonomy to the National University, which, in accordance with tradition, resumed its former name of Universidad de San Carlos de Guatemala. The new Constitution confirmed that autonomy. Municipal authorities throughout the Republic were also granted autonomy, and their mayors were once again chosen by popular vote.

368. But the most important aspect of the 1945 Constitution was that it reflected a new spirit which laid emphasis on what the legislature considered desirable to promote socio-economic change in Guatemala through democratic procedures.

369. Once the elections were over, Dr. Juan José Arévalo began his term of office on 15 March 1945. He was a Guatemalan educationist who had lived outside the country (mainly in Argentina), engaged in teaching work, for a number of years. He enjoyed firm popular support, and conditions generally were favourable for the introduction of the social and political reforms called for by the Constitution.

370. One of the principal reforms introduced by the legislature at that time was the Labour Code. The latter spelt out, for the first time in Guatemala, the principles which were to govern the relations between workers and employers,

providing for minimum wages, compensation for unfair dismissal, holidays with pay and other benefits not previously provided for by law - although in practice some of these provisions were not respected.

371. In addition, the Social Security Institute was established to assist victims of work accidents and provide financial support for their families and to promote medical and hospital assistance, with special protection to be given to maternity.

372. To complement the services offered by the Social Security Institute, creches and dispensaries providing medicines and public assistance were organized. Elisa Martínez de Arévalo, the wife of the President, participated effectively in the organization of these services.

373. One of the last measures taken by General Ubico before relinquishing power had been to pay off the "English debt" , leaving the national treasury empty. At the same time the estates and assets of German nationals living in Guatemala had served as a war indemnity for the country's participation in the worldwide conflict. During Dr. Arévalo's term of office the administration of German estates and assets had made a considerable contribution to the balancing of the budget, mainly because coffee commanded high prices once consumption resumed in Europe after the war.

374. The government also considered that special institutions were needed to ensure the practical implementation of a sound economic administration of the country. This led to the creation of the Ministries of Economic Affairs and Labour and Social Insurance, the Monetary Board, the Banks Supervisory Board and, finally, the Bank of Guatemala, created with the funds invested by the State in the earlier Central Bank. The Bank of Guatemala assumed the powers of sole bank of issue and was to serve the interests of the State, of which it was an agent.

375. The State continued to campaign actively against monopolies and the renewal of agreements with foreign companies, which, on account of their outdated character, were costing the country dear. The workers' unions, which had been organized under the new labour legislation, participated actively in that campaign. The nationalist character of Arévalo's policies was manifest; foreign companies were gradually made subject to regulations designed to benefit the country. The taxes on landed property and on the profits earned by profit-making companies were increased.

376. In the educational field, secondary schooling was expanded. In the capital the Central American Normal Institute (INCA) was opened for girls, the Rafael Agueche Institute for boys and the Adrián Zapata Institute for evening classes. In addition, a training college for rural primary school teachers was established in Chimaltenango in place of the former Uruguay college. A Fundamental Education Department (or Rural Socio-educational Department) was established to promote education directed primarily towards meeting the needs of rural communities. Private education was also strongly encouraged, and a number of private primary and secondary establishments received permission to open.

377. In the primary education field schools known as Tipo Federación schools - with a radial plan and an activity area for each grade - were built in the capital and a number of departmental administrative centres and larger towns.

378. Teachers received incentives of various kinds; their pay was increased and the Pay Scales Act was promulgated.

379. The educational reforms included the foundation on 17 September 1945 of the Faculty of Humanities, offering courses in philosophy, history, letters and education. Later courses in psychology and a library technology section were added. The faculty included in its objectives the vocational training of secondary school teachers and educational psychology specialists and of professional journalists.

380. Physical education was also encouraged, and the national stadium was built; this permitted the urban development of the La Palmita district and surrounding areas.

381. Many professionals, students and members of the armed forced went abroad to study.

382. The general economic situation was fair, on account not only of the high price of coffee but also of substantial increases in exports of citronella, essential oils, bananas and other produce. But the stock-rearing sector was affected by a fear of the spread of foot-and-mouth disease, against which several Latin American countries were battling at that time.

383. Migration from rural areas to the city gathered momentum, exacerbating the housing problem; but the city expanded considerably during this period, as the State built a number of workers' settlements and the division and development of private properties in the suburbs was authorized.

384. Much work was done by the municipal authorities of the capital. Sixth Avenue was opened - facilitating the development of the areas on that side of the city - and most of the streets in the central area were paved.

385. During Arévalo's term the communist movement undertook a certain amount of activity, particularly within the organized labour movement, where it secured leadership of the unions. The "spiritual socialism" of the President left them a certain amount of freedom of action. The Constitution guaranteed the functioning of political parties, although article 32 prohibited the functioning of organizations of an international or foreign character. However, at the end of the Second World War the links between the democracies of the Western world and the communist countries were so close that it was practically impossible to persecute the communist movement on account of the activities it was conducting at the time in Latin America, especially from its base in Mexico, where it had organized the Confederation of Latin American Workers. President Arévalo had no reason to fear the presence of a small group of communists in the country; thus the group began to secure leadership positions in a number of sectors which had no experience of worker organization or of trade union tactics.

386. To avoid confrontation with the opponents of communism, President Arévalo was forced to shut down the Claridad school, which was indoctrinating a number of young Guatemalans with Marxism. In 1947 he also attempted to block the activity of the communist leaders in rural areas. And it must be admitted that by the end of his term of office the President had done everything possible to remove communists from posts in the public administration.

387. At this time the possibility emerged of there being two strong candidates to succeed the President - Colonels Francisco Javier Arana and Jacopo Arbenz Guzmán , who had been members of the revolutionary junta which had secured Dr. Arévalo's accession to power. On 14 July 1949 Colonel Francisco Javier Arana, who was then head of the armed forces, was murdered. All Guatemalans were shaken by this terrible event and by the revolt, on the same afternoon, of the powerful military unit known as the Guard of Honour. The revolt was suppressed.

388. As a result of these events the divisions between mutually hostile political groups campaigning for the Presidential succession gave rise to continuing political instability, the harassment of groups which did not support the government and, finally, the imposition of the official candidature of Jacobo Arbenz Guzmán, who took office as President of the Republic on 15 March 1951, after the elections.

389. During the election proceedings divisions emerged among the so-called revolutionary parties, and for the first time voices were raised rejecting the international communist movement, whose members had secured positions in some political parties.

390. Notwithstanding these circumstances, President Arbenz began his term with the prestige conferred on him by his participation in the revolution of 20 October 1944. His programme of government contained two major proposals. Firstly, he wished to equip the country with a good communications network, built around the Atlantic Highway, the completion of which is due entirely to his enthusiasm. Secondly, in the economic field he was convinced that the country needed a general restructuring based on an agrarian reform law which would bring about a better allocation of land between the peasantry and the different productive sectors within the country.

391. The first of these projects was put into effect almost immediately. The Atlantic Highway would not only open up a national highway leading away from the Republic's principal port; it was also designed to break the transport monopoly enjoyed by the IRCA (International Railways of Central America) in Guatemala and El Salvador.

392. The implementation of the Agrarian Reform Act (Decree No. 900) was preceded by an indoctrination campaign among rural workers to secure political support. It was considered that that step would make the agrarian reform more effective and that large groups of the population would thus understand its significance.

393. All the landowners (great and small) in the country - most of them coffee planters, stock raisers and maize and bean growers - and the United Fruit Company, which had large banana estates in the departments of Izabal and Escuintla - immediately rose in opposition to the Agrarian Reform Act, which provided for the expropriation of uncultivated land, land not being cultivated by its owner or directly for his account, land rented out in any manner and land needed to form urban settlements as well as buildings, country estates of over 90 hectares (2 caballerías) in area and country estates of over 6 caballerías only two-thirds of which were under cultivation. Compensation was to be given in the form of redeemable bonds with varying maturities not to exceed 25 years. The agrarian reform was to be administered by the National Agrarian Department and

its agencies under the sole jurisdiction of the President of the Republic; there was no right of regular appeal to the courts, or even to the Supreme Court.

394. The political situation in the countryside resulted in general alarm among the major and small landowners, who saw a threat to their assets even greater than that contained in the law. When the first expropriations took place, the aggressivity of the peasant groups gave rise to such alarm on the part of certain landowners - whose estates were literally taken over by force - that the Supreme Court of Justice gave its protection under amparo in certain cases where the procedures followed had been arbitrary. Although this situation could be defended on constitutional grounds, it weakened the future prospects of the Agrarian Reform Act.

395. In face of the serious legal problem which had thus arisen, the only expedient which came to the minds of President Arbenz's advisers was the dissolution of the Supreme Court of Justice on grounds of inconsistency on the part of that body, which had openly opposed the provisions of Decree No. 900. Consequently Congress removed the President and the judges of the Supreme Court of Justice from office and created a new tribunal. Thus the Agrarian Reform Act was given precedence over the country's basic laws.

396. The reorganization of the Supreme Court of Justice left the different groups affected by the Agrarian Reform Act with no alternative but to oppose the continuation in power of the constitutional government of President Arbenz by all the means available to them or to accept the new situation.

397. The most difficult problem arising under the Agrarian Reform Act was the determination of the value of the lands to be expropriated. For example, the United Fruit Company owned estates of a declared value of approximately US$ 600,000 (as recorded in the tax registers) for both accounting and tax payment purposes; but the value of the lands owned by it and under cultivation or in reserve could be estimated at something over US$ 15 million. Since the matter could not be brought before the Guatemalan courts, the company sought the intervention of the Department of State in Washington to obtain protection of its interests. On 23 March 1953 the United States Government officially stated that it would take up the defence of the interests of its citizens and companies in Guatemala and demanded that the government of that country pay fair compensation.

398. By March 1954 opposition to President Arbenz was growing. Then the tenth Inter-American Conference took place, at which a resolution was adopted condemning communist activities in the countries of the Americas. Guatemala voted against that resolution.

399. In July 1954 the National Liberation Movement invaded the north-eastern departments of the Republic from bases outside Guatemala. They were supported by aircraft more powerful than those of the Guatemalan army and by a clandestine broadcasting station which stirred up the population and informed it of the aims and purposes of the movement.

400. In these circumstances, coming together with the serious political tensions and diplomatic pressures, substantial groups of supporters of President Arbenz's government, including certain groups within the army, adopted a wait-and-see attitude, contrary to the plans of the government; and in an atmosphere

of dramatic expectancy at both national and international levels, President Arbenz Guzmán was forced to resign from office on 27 June 1954.

401. For 24 hours the Minister of Defence, Colonel Carlos Enrique Díaz, unconstitutionally discharged the duties of President. He was then replaced by a military junta which negotiated the conditions for the entry of the national liberation army into the capital. On 2 July 1954 the commander of that army, Colonel Carlos Castillo Armas, arrived in person to form a coalition junta consisting of five persons; however, in the light of the events and the expressions of popular opinion, the junta was approved by popular acclaim, subsequently confirmed by the constituent assembly which was called into being. On 1 September 1954 Castillo Armas became President of the Republic.

402. The only armed opposition to the National Liberation movement occurred on 2 August 1954, when the cadets of the Polytechnic College attacked the liberation army, which was housed in the Roosevelt Hospital building. The action lasted a few hours. Finally an agreement was reached under which the government undertook not to take reprisals against the young cadets who had revolted and to disband the forces of the liberation army completely. The victims of the clash included Cadet-sergeant Jorge Luis Araneda, the standard-bearer of the college, and Cadets Luis Antonio Bosch and Carlos Hurtarte.

403. The purpose of convening the 1956 constituent assembly was the amendment of the reforms which had been made in the basic legislation of Guatemala. To some extent there was a return to tradition, with the abolition of the High Command of the Armed Forces; but at the same time the articles designed to eradicate communism within the country were strengthened.

404. The government of Colonel Castillo Armas received some economic assistance from the United States in facilitating the changes which took place, particularly in matters relating to the Agrarian Reform Act, which was not repealed but substantially amended. The expropriation of the lands of the United fruit Company did not take place, and a number of estates were returned to their rightful owners, in many cases simply because the terrified peasants had abandoned the land allotted to them. Attention was also given to the construction of workers' housing. Work continued on the Atlantic Highway, which was completed, and the port of San Tomás, situated at its end, was rehabilitated, as the installations at Puerto Barrios were not State-owned.

405. The President visited the United States and, generally speaking, used the powers vested in him with moderation, seeking to reconcile the opposing positions of the various political groups - a task which seemed impossible following the grave events which had taken place in Guatemala.

406. The assassination of Colonel Carlos Castillo Armas in his official residence on 28 July 1957 brought to an end his term of office.

407. The Presidency was provisionally assumed by Lic. Luis Arturo González, who called elections. During this transitional period the official machine set out to impose the candidature of Lic. Miguel Ortiz Passarelli, who eventually won. But a movement of a military nature, coupled with the pressures exercised by groups of supporters of the defeated candidate, General Miguel Ydigoras Fuentes, who organized street demonstrations, using mobile gangs on bicycles, gave rise to such general alarm that the provisional President was forced to resign and

hand over power to a successor designated by the movement, Colonel Guillermo Flores Arandaño. The latter was a conciliator, who was able to win the support of the different militant policy groups within the movement. He called elections, which took place within a heated atmosphere but without any visible pressures on the part of the government.

408. The 1958 elections gave victory to army general Miguel Ydigoras Fuentes, who had done outstanding work as director-general of roads in the time of Ubico; he acted as a mediator in the political crisis caused by the revolution of 20 October, and under subsequent governments he served as diplomatic representative of Guatemala in several countries, including Colombia and the United Kingdom.

409. The victory of General Ydigoras may be considered as a return to power of the most notable elements of totalitarianism and of extreme-Right groups, who hoped that the victorious candidate would rule with a firm hand and undertake the general reorganization which the country urgently needed.

410. It soon became apparent that the mentality of the formerly totalitarian general had been substantially modified by the years spent in countries with high levels of democracy. The aims of his supporters in electing him, far from being satisfied, soon proved illusory, for his actions were lacking in energy and clearly unrealistic; possibly he was only seeking facile popular acclaim, even at the expense of his own prestige and of respect for the government.

411. The first three years of this constitutional regime elapsed without any event of note within the administration - save the completion of some asphalted sections of the roads leading from Guatemala City to the Republic of El Salvador and to the important city of Quetzaltenango and the completion of bridges on the Atlantic Highway. In the capital the Park of Industry was completed in preparation for the Central American exhibition which took place in 1960.

412. The President also tried to stimulate activity and development in El Petén; he showed an interest in prospection for sources of wealth, such as oil, and the creation of a merchant fleet, and in the expansion of the country's naval school and the installations in the port of Santo Tomé (Matias de Gálvez).

413. He supported a number of farmers and commercial firms developing poultry-rearing within the country. He also gave some support to the fishing industry.

414. All this ultimately led to Guatemala's active participation in the promotion of the Central American Common Market - a set of legal and economic provisions drawn up by the Organization of Central American States to facilitate trade relations among the five countries of the isthmus. But the absence of realistic and consistent policies gave rise to a growing feeling of general economic insecurity and a budgetary situation ill-suited to the situation of the country, which had been seriously affected by the fall in coffee prices.

415. In about 1962 there was talk for the first time in Guatemala about a possible devaluation of the quetzal, which was equal in value to the United States dollar. Although the government hastened to deny this rumour, in reality excessive recourse to international credit and the wastage of domestic resources was leading the country towards economic disaster to such a degree that emergency measures had to be taken, such as the establishment of exchange

controls and the monitoring of the use of foreign currencies in different sectors of trading activity.

416. To deal with the situation the already heavy tax burdens borne by Guatemalans had to be increased further. Congress discussed a proposal for a tax on incomes, which would be more general and comprehensive than the profits tax, which only affected companies earning profits. Unfortunately recourse was also had to other measures to improve the credit of the country, such as facilitating the training of forces for the failed invasion of Cuba at the Bay of Pigs. This serious political development gave rise to the armed revolt of 13 November 1960 and the organization of groups which later engaged in guerilla warfare in Guatemala. Popular disturbances and student riots also took place during March and April 1962. As a result, the adoption of emergency taxation measures was postponed until a more propitious time.

417. Among other things, the general uprising which occurred in March and April 1962 forced General Ydigoras Fuentes to form a military cabinet, which, although beset by serious difficulties, managed to keep the government afloat until 31 March 1963. On that date the President was deposed by a bloodless military coup; the army took over the government of the country, establishing a High Council (Jefatura) of Government under the chairmanship of the Minister of Defence, Colonel Enrique Peralta Azurdia. The coup d'Etat of 31 March 1963 overturned the country's institutional structure, set aside the Constitution of the Republic, dissolved the National Congress and took over dictatorially the conduct of public affairs, governing through a system of legislative decrees which were discussed by a Council of State and approved by the military cabinet.

418. For three years and three months the country was governed by the military regime of Colonel Peralta Azurdia. Its conduct was regulated by what was known as the Basic Charter of Government, which conferred discretionary powers on the Executive.

419. Nevertheless, the chaotic situation which had been developing in the country ensured the acquiescence of major political groupings, and in particularly the militant groups, to the military regime. In the new situation the daily life of the citizens could go on, and the institutions could resume relatively normal functioning.

420. Thus what is known as "Operation Honesty" consisted of a military government imposed by circumstances, which restored some political values and attempted to deal with the budget crisis. The tax on incomes was introduced. Civil and criminal law were modernized and new codes were promulgated superseding those drawn up by Dr. J. Fernando Cruz in the time of Barrios together with the amendments made thereto, which in the course of time had rendered the legislation unclear. One innovation in the new codes was the creation of family courts. The anti-communist legislation was stiffened, the guerilla movements were outlawed and the anti-subversive forces were strengthened.

421. A new and realistic education programme was also introduced. Some 2,000 additional primary school teacher posts were created and 400 school buildings were erected. Thus the most urgent needs of the national education system could be met, as previously most schools had been housed in buildings of a temporary and emergency nature constructed after the earthquakes of 1917 and 1918.

422. In 1965 the new Political Constitution of the Republic restored the legal structures of the country. The new Constitution marked a return to the traditions established by the Basic Acts of 1879 and 1945. It laid particular emphasis on the organization of political parties, requiring a party to have 50,000 members as a precondition for authorization to function. It extended social and individual guarantees and contained provisions concerning protection of the family, labour and the social security system. It reduced the term of office of the President to four years and created a Council of State and the office of Vice-President. The Council of State had existed in the time of Carrera, and under the new Constitution it offered a role in government to the private sector. Its Chairman is the Vice-President, and it consists of two representatives of each of the institutions of State; one member nominated by the presidents of the professional collegiate bodies of San Carlos University; one representative of municipal authorities; one representative of urban and one of agricultural workers, designated by the governing bodies of the trade unions; and four advisers designated by the associations for agriculture, industry, commerce and private banking.

423. In March 1966 general elections were held. The majority of the votes went to the opposition candidate, Lic. Julio César Méndez Montenegro, who took office on 5 July of that year.

424. The hopes placed in the new government, presided over by a civilian with impeccable civilian antecedents, were soon frustrated by the attention it became necessary to give to the struggle against the terrorism being practised by both extreme-Left and extreme-Right groups; there were fears that a civil war might break out at any moment. The archbishop of Guatemala was kidnapped; the ambassadors of Germany and the United States were murdered; and hundreds of other persons fell victims to the violence which a civilian government seemed powerless to check.

425. However, President Méndez Montenegro continued with the public education programme launched by the previous regime, and private education expanded, particularly at university level. The International Railways of Central America (IRCA) company was purchased; a hydroelectric power station was built at Jurún Marinalá; and the Michatoya River basin, which was controlled by an electric power company with United States capital, was nationalized. But the construction of roads and of housing for families of modest means and other social programmes were barely sufficient to counter the impression caused by the scale of the extremist activities mentioned earlier.

426. The term of office of President Méndez Montenegro will also be remembered in history for the outstanding works of some individuals, such as Emilio Arenales Catalán, the Minister of Foreign Affairs, who died while serving as President of the United Nations General Assembly, and the Guatemalan poet Miguel Angel Asturias, Guatemalan Ambassador in Paris, who was awarded the Nobel Prize for literature. Another noteworthy event was the appointment of Archbishop Monsignor Mario Casariego as first cardinal of the Roman Catholic Church in Guatemala and the ensuing elevation of the cathedral of this venerable Central American capital.

427. In March 1970 Colonel Carlos Arana Osorio, the candidate of the National Liberation Movement (MLN, the former party of Castillo Armas), was elected President of the Republic on a platform of restoration of law and order; he took

office on 1 July 1970. The new President had to his credit the act of having fought against the extreme-Left guerillas in the rural areas of the north-eastern part of the country and of having almost completely annihilated them. After two years of government there still remained among Right-wing groups that he would also be able to put an end to the urban terrorism which was continuing in Guatemala City and in other parts of the Republic so as to permit a return to normal civilian life and begin a search for democratic solutions to the grave social and economic problems besetting the country, which were due particularly to the backward state of the rural peasant regions and the still marginalized situation of the indigenous communities which make up the majority of the country's population.

428. One of the last constructive acts of the government was the acquisition by the State of the supply network and the installations of the electricity company, thus practically completing the process of nationalization of all the country's hydroelectric resources.

429. Other important events occurring during President Arana Osorio's term of office were the celebration of the liberal revolution of 1871 and the 150th anniversary of the independence of Central America on 15 September 1821.

430. Under a guise of nationalism and good intentions, the Arana government continued to act towards its enemies with the same firmness. During its last two years of office it stepped up its activities of a material character. Some of the works completed were impressive. One achievement was the widening of the highway to Amatitlán; another was the construction of the Incienso bridge - a long-cherished dream which facilitated the partial opening-up of what is known as the "peripheral ring" - undertaken and implemented by the municipal authorities of Guatemala City with its own funds.

431. The government also constructed the highway from Guatemala City to Cobán, which is situated in the uplands of the north central part of the Republic. Foreign capital investment in Guatemala increased - mainly on account of the prosperity of the Central American Common Market, which had favoured Guatemala in a number of respects - as a result of which a climate favourable for the development of trade on a large scale developed. However, as nearly always happens when trade expands too fast, reports appeared in the Press alleging peculation, concessions and favoured treatment for relations and political supporters. Even so, the benefits of a dynamic administration and investment in infrastructural works (such as the continuation of work to make water supplies from Xayá-Pixcayá available in the capital) continued to favour the development of an economic climate of prosperity, which was particularly visible in the capital and in the eastern part of the country.

432. Unfortunately, the world food shortage and the rise in fuel prices had a highly inflationary effect on the prices of basic necessities. This affected adversely the family budgets of the majority of Guatemalans, notwithstanding the small increases in the salaries of government employees and of the minimum wages authorized for workers in industry, agriculture and commerce during the final year of the government's term.

433. As the date approached for the elections of the President, the members of the legislature and the mayors, it became apparent that substantial groups of the population would not vote in the manner expected. This gave rise to anxiety

and considerable pressures on the opposition parties. However, the elections took place on the appointed date. In the electoral contest (in which certain candidates of the strongest party, such as Colonel Enrique Peralta Azurdía, were not permitted to participate) the legally authorized parties put up three candidates representing the army - Generals Kjell Eugenio Laugerud García and Efraín Ríos Montt (both promoted to that rank during the term of Arana Osorio) and Colonel Enrique Paiz Novales.

434. At the second stage in the electoral process, which took place in Congress in March 1974, General Kjell Eugenio Laugerud García obtained a majority. He took office on 1 July 1974. His government was conspicuous for the support it gave to the national cooperative movement.

435. During his term of office, Guatemala experienced a severe earthquake which laid waste large areas of the country. This situation was the occasion for the establishment of the National Reconstruction Committee; that body coordinated the activities of numerous non-governmental organizations (NGOs), both national and international, executing programmes to help the peoples who had suffered from this national catastrophe.

436. On 1 June 1978 he handed over power to general Fernando Romeo Lucas García and was ousted on 23 March 1982. During his period of office the country was kept in a state of upheaval by political and social violence, which claimed hundreds of lives in every class of the population.

437. Support was given to the construction of infrastructural works such as roads, health centres and sports complexes in the administrative centres of most of the departments.

438. Presidential elections took place, giving victory to Angel Aníbal Guevara Rodríguez (also a general), but he was unable to take office on account of the overthrow of General Luis García. The latter was replaced by a government junta presided over by General Efraín Ríos Montt.

439. General Ríos Montt came to power on the urging of the group of young army officers which had overthrown General Lucas García. He suspended the Constitution, dissolved Congress and the Supreme Court of Justice and governed in accordance with the Basic Charter of Government approved by the Ministers of State. The Council of State, which contained representatives of the different sectors of Guatemalan society, acquiesced.

440. In addition to its political leanings, Ríos Montt's government was sectarian. Under his regime both urban and rural guerillas were neutralized. Civil Self-defence Patrols (PACs) were introduced; development poles were established in the areas within the Ixil-El Quiché triangle; and courts of special jurisdiction were set up.

441. The Ríos Montt government lasted for over a year. He was removed from office by the High Command of the army and the council of commanders by a proclamation dated 8 August 1983, which designated General Oscar Humberto Mejía Victores as his successor.

442. General Mejía Victores took office on 8 August 1983 and on 14 January 1986 handed over power to the democratic and legally elected government presided over

by Lic. Marco Vinicio Cerezo Arévalo. During his term he secured the election of the national constituent assembly which promulgated a new Constitution for the country on 31 May 1985. The new Constitution came into force on 14 January 1986, once the Congress had been installed. A wide-ranging national dialogue took place in which employers, workers, the universities, the cooperative movement and representatives of the Ministries of State took part.

443. Lic. Cerezo Arévalo took office on 14 January 1986 within a legitimate constitutional order. During his term trade unions and people's organizations were encouraged. Peace talks covering the Central American region were begun through the Esquipulas meetings. Lic. Cerezo Arévalo handed over power to his successor, Ing. Jorge Antonio Serrano Elías, on 14 January 1991.

444. Serrano Elías was removed from office on 27 May 1993 by legal proceedings which were endorsed by various sectors of Guatemalan society. During his term, direct peace negotiations were begun with the rebels. On the recommendation of Christian Tomuschat, an expert appointed by the United Nations, a Presidential Commission for Coordination of the Executive in Matters Relating to Human Rights (COPREDEH) was set up. The agreements on the return of the refugee population to Mexico were signed. The first group of refugees left their settlement in Polygon 14 at Ixcán (El Quiché department) and returned home in accordance with the arrangements made; they had named the settlement Comunidad Victoria 20 de enero.

445. On the proposal of the political, social, economic and popular groupings in the country, Lic. Ramiro de León Carpio took office on 27 May 1993. He was elected by Congress to the highest office of the nation. He has now been in office for ten months, during which he has promoted and supported dialogue in the search for peace, the campaign against poverty, respect for human rights and guarantees of their implementation. He will hand over power on 14 January 1996.

B. System of government

446. Guatemala is a free, sovereign and independent State organized in a manner designed to guarantee for its inhabitants the enjoyment of their rights and freedoms. The system of government is republican, democratic and representative. Sovereignty derives from the people, who delegate it, for purposes of its exercise, to the legislature, the executive and the judiciary. The subordination of any of these three to another is prohibited.

447. The official language of Guatemala is Spanish; the vernacular languages form part of the cultural heritage of the nation.

448. The State guarantees freedom of constitution and functioning of political parties without restriction save those imposed by the Constitution and by law.

449. The Guatemalan army is an institution designed to uphold the independence, sovereignty and honour of Guatemala, the integrity of its territory, peace and internal and external security. It is one and indivisible, essentially professional, non-political, obedient and without a voice in decision-making.

450. The municipal authorities of the Republic of Guatemala are autonomous institutions. They elect their own authorities, and municipal government is exercised by a corporation consisting of a mayor, aldermen and councillors, all of them elected by popular democratic vote in each municipality.

451. The general budget of State income and expenditure is approved for each fiscal year; it includes an estimate of all revenue to be raised and expenditures to be incurred.

452. The General Audit Board is a decentralized technical institution with supervisory functions relating to income and expenditure and, generally speaking, all matters relating to the finances of State bodies.

453. For administrative purposes the Republic of Guatemala is divided into departments, which are in turn divided into municipalities. Administration will be decentralized and development regions will be established on the basis of economic, social and cultural criteria.

C. Structure of the organs of State: the Executive, the legislature and the judiciary

1. The Executive

454. The President of the Republic is the Head of State. He represents national unity and the interests of the people of Guatemala. The executive consists of the President and Vice-President of the Republic, Ministers and Vice-Ministers of State and public servants.

455. For the conduct of the business of the Executive there shall be ministries as established by law with the responsibilities and powers assigned to them by law.

456. The President of the Republic shall have secretaries as necessary; their responsibilities shall be determined by law. The general and private secretaries of the President's Office must have the qualifications required to hold an office of Minister and shall enjoy the same prerogatives and immunities.

457. The Executive consists of the following Ministries of State: External Relations; Interior; National Defence; Public Finance; Education; Public Health and Social Assistance; Labour and Social Insurance; Economic Affairs, Integration and Foreign Trade; Agriculture, Stock-rearing and Food; Communications, Transport and Public Works; Energy and Mining; Culture and Sport; Urban and Rural Development. Each of these ministries is in charge of the services necessary for the performance of its functions. An organization chart of the Executive is appended.

2. The legislature

458. The legislature consists of the following bodies: the plenary Congress, the Steering Committee, the Presidency, the Secretariat, the Standing Committee, the Human Rights Committee, working committees and special and ad hoc committees.

459. The specific function of the Congress of the Republic is to formulate, approve and promulgate legislation.

3. The judiciary

460. The specific function of the judiciary is the power of pronouncing judgement and promoting the enforcement of judgements.

461. The judiciary consists of: the Presidency, the General Secretariat, the Special Secretariat, the Under-Secretary for Special Questions, the court supervisory authority, the finance directorate, the records department, the prisons supervisory board, the forensic medicine department, the court warehouse, maintenance, personnel, training and post classification services and Cenalex.

462. The Supreme Court of Justice consists of nine judges (including the President), criminal chambers, civil chambers, mixed chambers, family chambers, courts, labour chambers, juvenile chambers and chambers taking cognizance of accounts, administrative disputes, conflicts of law and jurisdiction; chambers of enforcement in economic affairs, criminal courts of first instance dealing with investigations, sentencing and transmittal, civil courts of first instance, courts of first instance in the departments, family courts, labour and social insurance courts, courts of first instance for juveniles, courts of accounts of first instance, courts of enforcement in economic affairs, judges of the peace handling criminal and transmittal cases and district judges of the peace.

463. The Supreme Electoral Tribunal is the supreme authority in electoral cases. It is independent and not subordinate to any institution of State. It consists of five titular and five substitute judges.

464. The administrative structure of the Tribunal is as follows: Presidency, General Secretariat, Inspectorate-General, Audit Board, Directorate-General for the Electoral Register and other services necessary for its functioning.

465. The Court of Constitutionality consists of five titular and five substitute judges, appointed as follows:

(a) one judge appointed by the Supreme Court of Justice in plenary session;

(b) one judge appointed by Congress in plenary session;

(c) one judge appointed by the President of the Republic sitting in Council of Ministers;

(d) one judge appointed by the Higher University Council of the University of San Carlos de Guatemala; and

(e) one judge appointed by the Assembly of the Bar Council.

466. The specific function of the Court of Constitutionality is to uphold the constitutional order.

D. The Office of the Human Rights Procurator

467. This office has the task of promoting the proper functioning and administrative management of the government in matters relating to human rights,

of investigating and reporting conduct on the part of the administration prejudicial to the interests of individuals and of investigating complaints of all types submitted by individuals and relating to violations of human rights.

468. The Human Rights Procurator is a Congressional Commissioner; he has powers of supervision over the administration and must report annually on the duties assigned to him to Congress in plenary sitting.

469. The Office of the Human Rights Procurator has administrative entities in the capital and in every department; there is also a delegate of the Office (always a lawyer) in each department.

E. The Public Prosecutor's Department and the Office of the National Procurator-General

470. The Public Prosecutor's Department is an auxiliary of the public administration and of the courts, but functions autonomously. Its principal function is to ensure full compliance with the laws of the country. Its organization and functioning are spelt out in the law establishing it. The head of the Public Prosecutor's Department is the Public Prosecutor of the Republic, and his duty is to conduct penal proceedings on the part of the authorities.

471. The Office of the National Procurator-General is responsible for advising and counselling State institutions and entities. Its organization and functioning are regulated by the Act establishing it. The National Procurator-General represents the State and is the Head of the Office of the National Procurator-General.

472. Both officials are appointed for four-year terms and enjoy the same prerogatives and immunities as judges of the Supreme Court of Justice. Their principal functions are to ensure strict compliance with the law and to represent the State. Their functions also include monitoring of the implementation of and respect for human rights.

F. The Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH)

473. This body was established by Government Decision No. 486-91 dated 12 July 1991. It consists of one representative each of the President of the Republic, of the Ministers of Foreign Affairs, the Interior and National Defence and of the National Procurator-General. Its administrative structure consists of a Chairman, an Executive Director and an Assistant Director.

474. The Commission has the administrative staff necessary for the performance of its duties.

III. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Rights protected by the Constitution or by a declaration of rights and provisions relating to exceptions thereto

1. Rights protected by the Constitution

475. The rights provided for in the different human rights instruments are duly and fully protected under the Constitution of the Republic of Guatemala. Article 46 of the Constitution specifies that, in matters of human rights, treaties and conventions accepted and ratified by Guatemala take precedence over internal law. Thus this country guarantees by a general legal provision the implementation of and respect for human rights within its territory.

476. Equally, the rights and guarantees offered by the Constitution are not exclusive of others which, although not specifically mentioned in that instrument, are inherent in the human person. Thus the interests of society take precedence over individual interests, and consequently that legislative instrument provides that any laws or government decisions, or decisions of any other kind, which reduce, restrict or circumvent the rights guaranteed by the Constitution are automatically null and void (article 44).

477. Along similar lines, the final paragraph of article 275 of the Constitution provides that the Human Rights Procurator shall, on his own initiative or at the request of any party, act with due diligence to ensure that during a state of emergency full respect of fundamental human rights, other than those whose validity has been specifically restricted, are fully guaranteed. In the performance of his duties he is empowered to act on any day or at any time of the day or night.

2. Rights protected by the Constitutional Amparo, Habeas Corpus and Constitutionality Act

478. Article 276 of the Constitution provides that matters relating to habeas corpus and the constitutionality of legislation shall be regulated by a Constitutional Act.

479. Thus article 1 of the Constitutional Amparo, Habeas Corpus and Constitutionality Act (Constituent Assembly Decree No. 1-86) defines the purpose of the Act as the development of the guarantees and safeguards of the constitutional order and of the rights inherent in the person guaranteed by the Constitution, the laws and the international conventions ratified by Guatemala. Thus the Constitution takes precedence over all laws and treaties. However, in matters of human rights the treaties and conventions accepted and ratified by Guatemala take precedence over internal law (article 3 of the Act).

480. Thus the defence of the individual and his rights are inviolable, and no person may be sentenced or deprived of his rights without having been summoned, heard and convicted by a competent judge or court already appointed (article 4 of the Act).

3. Rights protected by the Constitutional Act concerning public order

481. This Act does not affect the functioning of the institutions of State, the members of which continue to enjoy the immunities and prerogatives extended to them by law (article 1 of the Act).

482. The remedy of habeas corpus remains. The authorities may order that a person be produced inside a prison. Recourse may also be had to habeas corpus for the sole purpose of ascertaining the treatment being meted out to the appellant and where appropriate to end any ill-treatment to which he may be subjected. The person may be produced inside a prison if the competent authorities so order.

483. The only recourse from any measure, order or decision taken under the provisions of this Act relates to the liability of the official or other person responsible for the infraction.

484. However, recourse to the remedy of amparo is available if, on account of the application of the Act concerning public order, guarantees not included among those the exercise of which, under the terms of the Constitution, may be restricted, or have not been restricted in the decree concerned, have been violated.

485. During a state of emergency of any degree a person may be detained without the need for a warrant for arrest or other court order if there are reasonable grounds for believing that he is the author of or an accomplice in acts prejudicial to public order or is concealing such acts. The detention shall last for such time as is necessary to establish the facts and may not continue for more than 24 hours beyond the expiry of the validity of the decree restricting the guarantees in question. Once the emergency is over - and sooner if possible - the person shall be released; but if the investigation establishes that he is guilty of a crime or offence he shall be referred to the competent courts.

486. A reasonable period of grace, bearing in mind the circumstances of the individual concerned, shall be allowed for the payment of fines inflicted. If on the expiry of that period the fine has not been paid, it shall be replaced by a term of imprisonment of a duration calculated in the manner specified in the Penal Code.

487. In no case may the period of grace referred to in the previous paragraph be less than 48 hours. During that period the person concerned may appeal for a review to the official who inflicted the fine; the latter must give his decision within two days. Article 34 of the Constitutional Act concerning public order stipulates that decrees restricting guarantees at any of the levels provided for in the Constitution or extending, amending or curtailing their validity must be disseminated immediately and widely through all the communications media. Any measures taken in implementation of those decrees and on the nature of the emergency must be publicized in the same way.

488. Communications entities, regardless of the medium of dissemination used by them, are required to publish without charge, in their first editions, all decrees, measures and information on these subjects as soon as they become available. Failure to do so is punishable on the first occasion by a fine of 100

quetzals; if the offence is repeated the entity in question may be made subject to censorship.

4. Rights protected by the Act concerning elections and political parties

489. National Constituent Assembly Decree No. 1-85 lays down regulations concerning the exercise of political rights; the rights and obligations of the authorities, the electoral bodies and the political organizations; and voting procedures and the electoral process.

490. Article 3 of the Act defines the rights and duties of citizens as follows:

(a) to respect and uphold the Constitution;

(b) to register on the electoral rolls;

(c) to elect and to be elected;

(d) to vote;

(e) to stand for public office;

(f) to ensure freedom of voting, that voting actually takes place and that it proceeds uncorrupted;

(g) to uphold the principle of alternation of power and of non-reelection to the posts of President and Vice-President;

(h) to perform the electoral functions for which they have been designated.

491. Article 12 of the Act stipulates that voting is a right and a duty inherent to citizenship. It is universal. Article 17 provides for freedom to constitute political organizations the activities of which comply with the provisions of the Act. Equally, citizens are free to join or resign from political organizations as they wish.

492. Article 20 of the Act states that political parties have the following rights:

(a) to present candidates for elective offices;

(b) to monitor all activities forming part of the electoral process by means of monitors appointed by them in accordance with the law;

(c) to appoint, within one week from the date of announcement of an election, their national monitors to work with the Supreme Electoral Tribunal and with the right to attend all its sittings;

(d) to report any irregularity which comes to their notice to the Supreme Electoral Tribunal or to the Election Inspector and to demand an investigation of all acts which violate the standards and principles laid down in the legislation on elections and political parties;

(e) to use the postal and telegraph services without charge for purposes of their functions as monitors of the electoral process. They may exercise that right only during the period between the day following the announcement of an election and one month after its completion, and it is subject to regulations, which must specify the persons entitled to use that privilege within the territory of Guatemala and the penalties to which they are liable in the event of wrongful use thereof;

(f) to receive subsidies from the State at the rate of two quetzals for each vote legally cast for them, provided that the party concerned has received at least 4% of the valid votes cast in general elections. The calculation shall be made on the basis of the voting in the first stage of the election for the posts of President and Vice-President of the Republic. The subsidies shall be paid during the term of office of the President concerned in four annual instalments, to be paid during the month of July in each of the first four years of that term. Where several political parties have formed a coalition the subsidy obtained shall be divided in equal shares among the coalition partners;

(g) to perform the tasks necessary for the performance of their duties in accordance with the law.

493. Article 102 of the Act confers on the civic electoral committees the following rights:

(a) to nominate candidates for municipal corporations;

(b) to monitor, through monitors designated by them, all activities within the electoral process in which they take part;

(c) to report to the Election Inspector all irregularities which come to their knowledge and to demand investigations of all acts incompatible with the standards and principles laid down in the legislation concerning elections and political parties;

(d) any other rights conferred on them by law.

494. Article 194 of the same Act states that the electoral process must be conducted in an environment of freedom and full application of constitutional rights. No restriction of any kind on those freedoms and rights may be in force, and a state of emergency may not be declared, while the electoral process is continuing. Article 195 specifies that all the security forces must provide all assistance requested by officials of the electoral bodies and by political organizations to ensure order and to guarantee the freedom and legality of the electoral process.

495. As regards the question whether the rights mentioned in the covenants subscribed to and approved by the State of Guatemala are protected by the Constitution or by a declaration of rights, It will be recalled that article 46 of the Constitution lays down the general principle that, in matters of human rights, treaties and conventions accepted and ratified by Guatemala take precedence over internal law. Consequently the State of Guatemala respects the

application of the human rights of individuals within its territory in accordance with the commitments it has accepted vis-à-vis the international community by virtue of subscribing to and approving the different covenants and conventions which it has undertaken to apply.

496. Mention must also be made here of the comprehensive agreement on human rights concluded between the government and the Unidad Revolucionaria Nacional Guatemalteca (UNRG) and signed on 29 March 1994 in Mexico City. In it the Parties agreed on the following:

(a) A general agreement on human rights. The Government of the Republic of Guatemala will continue to pursue all measures designed to promote and improve the regulations and machinery for the protection of human rights.

(b) Strengthening of the machinery for the protection of human rights. The Parties consider that any conduct which restricts, restrains or impairs the functions assigned to the judiciary, the Human Rights Procurator and the Public Prosecutor's Department in the field of human rights undermine the fundamental principles of a State based on the rule of law; consequently those institutions must be supported and strengthened in the performance of their functions.

(c) An agreement to end impunity. The Parties agree that firm action must be taken to end impunity. The government will not countenance the adoption of any legislative or other measures designed to impede the judgement and punishment of persons responsible for violations of human rights. The Government of the Republic of Guatemala will promote in the legislature the legal amendments necessary in the Penal Code to permit the classification and punishment as especially serious crimes of enforced and involuntary disappearances and summary and extrajudicial executions: In addition, the government will promote the recognition within the international community of enforced and involuntary disappearances and summary and extrajudicial executions as crimes against humanity.

(d) An agreement to put an end to illegal security bodies and clandestine organizations and to regulate the bearing of arms. To ensure unrestricted respect for human rights there should be no illegal bodies or clandestine security organizations. The Government of the Republic recognizes that it has a duty to combat all signs of the existence of such bodies.

(e) Guarantees of freedom of association and movement. Both Parties agree that freedom of association, movement and travel are internationally and constitutionally recognized human rights which should be exercised in accordance with the law and be fully applied in Guatemala.

(f) Conscription. Conscription for compulsory military service should not be coercive or constitute grounds for violations of human rights and be fair and non-discriminatory, thus retaining its character as a civic right and obligation. To that end the Government of Guatemala will continue to adopt and implement the necessary

administrative decisions and will promote the adoption of a new Act concerning military service in the spirit of this agreement and as soon as possible.

(g) Guarantees and protection for individuals and organizations working to safeguard human rights. the Parties agree that all acts which may affect the guarantees covering individuals or organizations working for the promotion and safeguarding of human rights are to be condemned. With this in mind the Government of the Republic of Guatemala will take special measures for the protection of persons or organizations working in the human rights field. It will also investigate, in good time and exhaustively, reports submitted to it concerning acts or threats which may affect them. The government reiterates its commitment effectively to safeguard and protect the work of individuals and organizations defending human rights.

(h) Compensation and/or assistance for victims of violations of human rights. The Parties recognize that the provision of compensation and/or assistance for victims of violations of human rights is a humanitarian duty. Such compensation and/or assistance should be provided through government measures and programmes of a civil and socio-economic character and directed as a matter of priority towards those in greatest need of it in view of their economic and social circumstances.

(i) Human rights and the internal armed conflict. While an agreement for a firmly-established and lasting peace is being signed, both parties recognize the need to bring the sufferings of the civilian population to an end and to respect the human rights of those wounded or captured and of those who have remained outside the fighting.

5. Procedures for reforms of and repeal of legislation

(a) Political Constitution of the Republic of Guatemala

497. Article 277. Initiatives. Initiatives to propose reforms to the Constitution may originate with :

(i) the President of the Republic sitting in Council of Ministers;

(ii) ten or more deputies of the National Congress;

(iii) the Court of Constitutionality; and

(iv) the people, by means of a petition addressed to the National Congress by at least 5,000 citizens duly registered on the electoral rolls.

In each of these cases Congress must take up the matter raised without any delay.

498. Article 278. The National Constituent Assembly. To amend this article, or any article in chapter I of title II of this Constitution, the National Congress must decide, by a two-thirds majority of its members, to convene a National Constituent Assembly. The decree convening that assembly shall mention the article or articles to be revised, and the Supreme Electoral Tribunal shall be called upon to fix the date on which the elections are to take place, not more than 120 days later.; as regards all other matters it shall proceed in accordance with the Act concerning constitutional elections.

499. Article 280. Amendments made by Congress and consultation of the people. All other reforms of the Constitution require the approval of the National Congress by a two-thirds majority of all the deputies. The amendments shall not enter into force until they have been ratified by consultation of the people in accordance with article 173 of this Constitution. If the outcome of that consultation is in favour of the reform, the latter shall enter into force 60 days after the announcement of the result of the consultation by the Supreme Electoral Tribunal.

500. Article 281. Articles not subject to amendment. In no case may articles 140, 141, 165(6), 186 and 187 be amended. Neither may any amendment be made in any way concerning the republican form of government or the principle of non-reelection to the office of President of the Republic, or such as to weaken the effectiveness or the applicability of the articles providing for the possibility of alternation in exercise of the powers of President of the Republic; nor may they be suspended. The content of these articles may not be amended or modified in any way whatsoever.

(b) Act concerning the judiciary (National Congress Decree No. 2-89)

501. Article 6. Entry into force of the Act. The Act shall enter into force one week after publication of its full text in the Official Gazette unless the text itself stipulates a shorter or longer period. In calculating the period, every calendar day shall be counted.

502. Article 7. Non-retroactivity. The Act shall not have retroactive effect or affect acquired rights, save in matters under penal law where it may be more favourable to the accused. The legislation concerning procedures shall come into force immediately except where otherwise specified in the Act.

503. Article 8. Repeal of legislation. Legislation shall be repealed by subsequent legislation :

(a) where the new legislation contains express provision to that effect;

(b) partially, on account of incompatibility between provisions in the new and the previous legislation;

(c) entirely, when the new law covers the entirety of the subject-matter of the previous law;

(d) partially or entirely on grounds of a declaration of unconstitutionality under a final ruling by the Court of Constitutionality.

The effect of a law once repealed is not restored by the repeal of the law by which it was repealed.

504. Article 9. Supremacy of the Constitution. The courts shall always comply with the principle of hierarchy of legislation and the supremacy of the Constitution over all other legislation or international treaties save treaties or conventions relating to human rights ratified by Guatemala, which take precedence over internal law. A legal provision which runs counter to a higher-ranking provision is invalid.

505. Article 10. Interpretation of laws. Legal provisions shall be interpreted in line with their text according to the specific sense of its words and its context and in line with the provisions of the Constitution. A law taken in its entirety shall serve to explain the contents of each of its parts; but unclear passages therein may be interpreted in the light of the following elements (in the order given):

(a) The intention and spirit of the law;

(b) A reliable account of the events leading to its adoption;

(c) The provisions of other laws applicable to similar cases or situations;

(d) The manner which appears most consistent with equity and the general principles of law.

B. Implementation of the principles of international instruments

506. The provisions of international covenants may be invoked before tribunals or courts of justice or administrative authorities; but such provisions of international law must previously have undergone the process of preparation and adoption as law by the National Congress, which, under a binding provision of the Constitution, approves all international treaties, conventions and other agreements before they are ratified (article 171 (1) of the Constitution) where :

(1) They affect laws in force for which under the Constitution the same majority of votes is required;

(2) They affect the sovereignty of the nation, establish, totally or in part, the economic or political union of Central America, or assign or transfer powers to bodies, institutions or machinery established within a community legal system designed for the attainment of common regional purposes in Central America;

(3) They impose a financial commitment on the State exceeding 1 per cent of the ordinary revenue budget or when the amount of the commitment is not determined;

(4) They entail a commitment to submit any matter to judicial ruling or arbitration at international level;

(5) They contain a general clause providing for arbitration or submission to jurisdiction at the international level.

507. Article 183 of the Constitution provides that the functions of the President of the Republic shall include the submission of treaties and conventions of an international nature, and contracts and concessions relating to public services, to Congress for its consideration and for purposes of approval prior to ratification.

508. Thus the provisions of international covenants may be invoked before the competent authorities within the State of Guatemala, but they must first undergo the process of ratification and internal approval required by the Constitution in order that they may modify Guatemalan internal legislation accordingly (specifically in the field of human rights) and be subsequently implemented by the competent authorities concerned.

C. Judicial, administrative and other authorities competent in matters relating to human rights

509. The competent authorities in matters relating to human rights are:

(a) The judiciary (Supreme Court of Justice);

(b) The Court of Constitutionality;

(c) The legislature;

(d) The Public Prosecutor's Department;

(e) The Office of the Human Rights Procurator;

(f) The Supreme Electoral Tribunal;

(g) The Presidential Commission for Coordinating Executive Policy in the Field of Human Rights.

1. The judiciary

510. Article 203 (in chapter IV, section 1, of the general provisions) of the Constitution provides that justice shall be dispensed in accordance with the Constitution and the laws of the Republic. The courts of law are empowered to try cases and secure execution of sentences handed down. The other State bodies must provide the courts with the assistance they require for purposes of the implementation of their decisions.

511. The judges and magistrates are independent in the exercise of their functions and are subject only to the Constitution and the law.

512. The jurisdictional function is discharged solely and exclusively by the Supreme Court of Justice and the other courts established by law.

513. No other authority may intervene in the administration of justice.

514. Military jurisdiction is the power to take cognizance of and pronounce sentence in civil and criminal cases within the ambit of the Military Code and to have the sentences carried out. In this context military jurisdiction lies solely with the commanders and tribunals designated in that code. Thus proceedings take place at first instance before the military authorities and at second instance before a court of appeal set up as a court-martial (Military Code, arts. 1, 2 and 3 (second part)). There is no third instance.

515. The judiciary enjoys the following guarantees:

(a) operational independence;

(b) financial independence;

(c) the irremovability of magistrates and judges in courts of first instance save in the cases provided for by law; and

(d) selection of staff members.

2. The Court of Constitutionality

516. Article 268 (corresponding to chapter IV) of the Constitution) stipulates that the Court of Constitutionality is a standing tribunal with exclusive jurisdiction the essential function of which is to uphold the constitutional order. It acts as a collegiate tribunal independent of the other institutions of State and performs specific functions assigned to it by the Constitution and other relevant legislation (Amparo, Habeas Corpus and Constitutionality Act). The financial independence of the Court is guaranteed by allocation of a percentage of the revenues allotted to the judiciary.

517. The Court of Constitutionality consists of five titular judges, each of whom has a substitute. When dealing with cases of unconstitutionality vis-à-vis the Supreme Court of Justice, the National Congress, the President or Vice-President of the Republic the number of members is increased to seven, the two additional members being selected from among the substitutes by drawing of lots.

518. The judges enjoy five-year terms of office and are designated as follows:

(a) one judge appointed by the Supreme Court of Justice in plenary session;

(b) one judge appointed by Congress in plenary session;

(c) one judge appointed by the President of the Republic sitting in Council of Ministers;

(d) one judge appointed by the Higher University Council of the University of San Carlos de Guatemala; and

(e) one judge appointed by the Assembly of the Bar Council.

At the same time as the titular judge is designated his substitute is designated by the National Congress.

519. The installation of the Court of Constitutionality shall become effective ninety days after the date of installation of the National Congress (article 269 of the Constitution).

520. The functions of the Court of Constitutionality (article 272 of the Constitution) are as follows:

(a) To take cognizance, in sole instance, of challenges to laws or measures of a general nature alleged to be unconstitutional in whole or in part;

(b) To take cognizance, in sole instance, as a special tribunal of amparo, in amparo proceedings brought against the National Congress, the Supreme Court of Justice or the President or Vice-President of the Republic;

(c) To hear on appeal all amparo proceedings brought in any court of law. If the appeal is directed against a ruling on an amparo matter issued by the Supreme Court of Justice, two additional members shall be added to the Court of Constitutionality in the manner provided for in article 268 of the Constitution;

(d) To hear on appeal all challenges to laws alleged to be unconstitutional in specific cases in any jurisdiction, in cassation and in other cases provided for in the relevant legislation;

(e) At the request of any institution of State, to advise on the constitutionality of treaties, conventions and draft legislation;

(f) To take cognizance of and rule upon all conflicts relating to jurisdiction in constitutional matters;

(g) To compile developments in the doctrine and principles relating to constitutionality as they arise from rulings on cases of amparo or unconstitutionality of legislation and to keep the bulletin or gazette recording case-law up to date;

(h) To advise on the unconstitutionality of legislation vetoed by the Executive on grounds of unconstitutionality;

(i) To act, advise, rule on or take cognizance of matters within its competence as defined by the Constitution.

3. The legislature

521. In accordance with article 157 (chapter II, section 1) of the Constitution, legislative power lies with the National Congress, which consists of deputies directly elected by the people under universal suffrage and by means of a system of lists, both national and for each constituency.

522. The functions of the National Congress are as follows:

(a) To open and close its sessions;

(b) To receive the oaths of office of the President and Vice-President of the Republic and the President of the judiciary and to install them in their respective offices;

(c) To accept or refuse the resignation of the President or Vice-President of the Republic. Congress shall verify the authenticity of such resignations;

(d) To confer the Presidency of the Republic on the Vice-President in the event of the temporary or permanent absence of the President;

(e) To authorize (or not to authorize) the President or the Vice-President of the Republic to leave the Central American region or temporarily to lay aside the duties of his office;

(f) To elect those officials who under the Constitution or by law must be appointed by Congress, to accept or refuse their resignations and to elect their replacements;

(g) To repudiate the President of the Republic if, on the expiry of his constitutional term, he remains in office. In such cases the army shall automatically come under the authority of Congress;

(h) To state whether or not there is cause to impeach the President or the Vice-President of the Republic, the President or members of the Supreme Court of Justice or the Supreme Electoral Tribunal, ministers, vice-ministers of State when they are in charge of business, the Secretary-General of the President's Office and the Under-Secretary when deputing for him, the National Procurator-General or members of Congress. Any resolution taken in this regard must be adopted by a two-thirds majority of the total number of deputies;

(i) To declare, by a two-thirds majority vote of all the deputies forming part of Congress, the physical or mental incapacity of the President of the Republic for the discharge of his duties. The declaration shall be based on the prior advice of a board of five physicians designated at the request of Congress by the governing body of the collegiate body of physicians;

(j) To challenge Ministers of State;

(k) To decree reforms and abrogate laws;

(l) To approve, amend or reject, not later than 30 days before its entry into force, the income and expenditure budget of the State. The Executive must transmit the draft budget to Congress 120 days before the date on which the fiscal year begins. If on that date the budget has not been approved by Congress, the budget for the previous financial year shall remain in force but may be amended or adjusted by Congress;

(m) To decree ordinary and extraordinary taxes in accordance with the needs of the State and to determine the basis on which they are to be collected;

(n) To approve or reject annually, in whole or in part, and following a report from the Office of the Audit Committee, the details of and justifications for all the items of income and expenditure in the public finances relating to the previous financial year submitted to it by the Executive;

(ñ) To decree the award of public honours for signal services to the nation. In no case may such honours be conferred on the President or Vice-President of the Republic during their terms of office or to any other official while in service;

(o) To declare war and approve or reject peace treaties;

(p) To decree amnesties for political crimes (and ordinary crimes related thereto) when necessary for reasons of public policy;

(q) To determine the characteristics of the currency after consultation of the Monetary Board;

(r) To contract, convert, consolidate and execute other operations relating to the internal or external public debt. In all cases the views of the Executive and the Monetary Board must first be heard;

(s) To approve or reject draft legislation concerning complaints addressed to the State relating to debts not recognized, submitted to it by the Executive, and to fix special allocations for their payment or amortization; to ensure that debts owed by the State and its institutions as determined by court sentences are paid;

(t) At the request of the Executive, to issue decrees concerning reparations or indemnification relating to a claim at international level where recourse has not been had to arbitration or an international court of justice;

(u) To approve all international treaties, conventions and other agreements prior to their ratification;

(v) To appoint committees of inquiry into specific aspects of public administration raising problems of national interest.

523. The specific functions of Congress are :

(a) To assess the credentials conferred on elected deputies by the Supreme Electoral Tribunal;

(b) To appoint and dismiss its administrative staff. The relations between the legislature and its administrative, technical and service staff shall be regulated by a specific Act laying down the rules to govern classification for purposes of remuneration, disciplinary measures and dismissal;

(c) To accept or refuse resignations of its members;

(d) To summon substitutes in the event of the death of a titular member, his resignation, the invalidation of his election, temporary leave or inability to participate;

(e) To draw up and approve its own budget for inclusion in that of the State.

524. In accordance with article 274 of the Constitution, the right to propose legislation lies with the deputies in Congress, the Executive, the Supreme Court of Justice, the University of San Carlos de Guatemala and the Supreme Electoral Tribunal.

525. Once a draft bill has been accepted for consideration, it must be submitted for discussion at three different sittings held on separate days, and no voting may take place until it is deemed to have been sufficiently discussed at the third sitting. Exceptions are cases which Congress declares, with the votes of two thirds of its members, to be matters of national emergency. In all other matters the procedure laid down in the standing orders shall be followed.

526. A draft bill once adopted is transmitted to the Executive for formal sanction and promulgation.

527. Within the two weeks following receipt of the decree, and following agreement within the Council of Ministers, the President of the Republic may, in exercise of his right of veto, return it to Congress with such comments as he considers relevant. The partial veto of a law is not permitted.

528. If the Executive does not return the decree within the two weeks following its receipt, it shall be deemed to have been formally sanctioned and must be published as a law within the following week. If the session of Congress ends before the expiry of the period during which the right of veto may be exercised, the Executive must return the decree during the first week of ordinary sittings of the following session.

529. Once the decree has been returned to Congress, the latter may reconsider it or hold it over until the next session. If the comments of the Executive are not accepted, and Congress confirms the decree by a two-thirds majority of its members, the Executive is obliged formally to sanction and to promulgate it within one week of its receipt. If the Executive fails to do so, Congress shall order its publication in order that it may take effect as an Act of the Republic.

530. An Act shall come into force throughout the country one week after publication of its full text in the Official Gazette unless the text itself stipulates a shorter or longer period.

531. No sanction by the Executive is required for measures adopted by Congress relating to its internal organization or to its functions.

4. The Public Prosecutor's Department and the Office of the National Procurator-General

532. The Public Prosecutor's Department is an auxiliary of the public administration and of the courts, but functions autonomously. Its principal function is to ensure full compliance with the laws of the country. Its organization and functioning are spelt out in the law establishing it (article 251 of the Constitution, Decree No. 40-94 of the National Congress). The head of the Public Prosecutor's Department is the Public Prosecutor of the Republic, and his duty is to conduct penal proceedings in the name of the authorities.

533. The Office of the National Procurator-General is responsible for advising and counselling State institutions and entities. The National Procurator-General represents the State and is the Head of the Office of the National Procurator-General (article 34 of the constitutional reforms).

534. Both officials are appointed for four-year terms and enjoy the same prerogatives and immunities as judges of the Supreme Court of Justice. They may also be removed from office by the President of the Republic where good cause exists.

5. The Office of the Human Rights Procurator

535. Article 273 of the Constitution stipulates that Congress shall appoint a Human Rights Committee consisting of one deputy from each political party represented during that period. That committee shall submit to Congress three candidatures for election to the post of Procurator. The candidates must possess the qualifications required of judges in the Supreme Court of Justice, and the elected candidate shall enjoy the same immunities and prerogatives as Congress deputies. The duties of the committee and of the Human Rights Procurator referred to in that article are to be fixed by law.

536. Article 274 of the Constitution states that the Human Rights Procurator is a Commissioner of Congress for the defence of the human rights guaranteed by the Constitution. He has supervisory powers over the administration; his term of office runs for five years; and he reports annually to Congress in plenary sitting, with which body he maintains relations through the Human Rights Committee.

537. Article 275 of the Constitution defines the duties of the Human Rights Procurator as follows:

(a) To promote the proper and expeditious functioning of government administrative management in matters relating to human rights;

(b) To investigate and report conduct by the administration prejudicial to the interests of individuals;

(c) To investigate complaints of all types concerning violations of human rights submitted by any individual;

(d) To recommend to officials, privately or publicly, changes in administrative conduct which has given rise to complaints;

(e) Publicly to censure actions or conduct contrary to constitutional rights;

(f) To further proceedings of a judicial or administrative nature in cases originating with it;

(g) To perform other functions and duties assigned to it by law.

538. The Human Rights Procurator shall, on his own initiative or at the request of any party, act with due diligence to ensure that during a state of emergency full respect of fundamental human rights, other than those whose validity has been specifically restricted, are fully guaranteed. In the performance of his duties he is empowered to act on any day or at any time of the day or night.

539. Article 8 Congress Decree No. 54-86 (Act concerning the Human Rights Committee of the National Congress and the Human Rights Procurator), as amended by Congress Decree No. 32-87, states that the Human Rights Procurator (hereinafter referred to as "the Procurator") is a Commissioner of the National Congress for the defence of the human rights guaranteed by the Constitution of the Republic of Guatemala, the Universal Declaration of Human Rights and the international treaties and conventions accepted and ratified by Guatemala. In the performance of the duties assigned to him by the Constitution and this decree, he shall not be subordinated to any body, institution or official and shall act in complete independence.

540. Article 11 of the same instrument as amended provides that for the performance of his duties the Procurator shall be assisted by two deputy Procurators, who in addition shall take his place (in order of their appointment) if he is temporarily absent or unable to perform his duties; in addition, if the office falls vacant they shall occupy it until a new appointment is made. They must have the qualifications required for the post of Procurator and are appointed directly by him.

541. Article 14 of Decree No. 54-86, as amended by Decree No. 32-87 (both Congress decrees), assigns other duties to the Procurator as follows:

(a) To take promotional and coordinating measures vis-à-vis the departments concerned to ensure that the syllabi of both public and private teaching establishments include human rights as a specific subject to be taught as part of the regular time-table and at all levels of education;

(b) To develop a continuing programme of activities for the examination of fundamental aspects of human rights, the organization of reports, compilations, studies, investigations, juridico-doctrinal material, publications, publicizing campaigns and other promotional activities of all types with the aim of developing awareness of the importance of those rights within the different sectors of the population;

(c) To establish and maintain communications with the different national or foreign intergovernmental, governmental and non-governmental organizations concerned with the defence and promotion of human rights;

(d) To publish, in January of each year, through the social communication media, its annual report and the special reports mentioned in the decree;

(e) To participate in international events relating to human rights;

(f) To receive, analyse and investigate all complaints of violations of human rights submitted, orally or in writing, by any group of persons, individual or legal entity;

(g) To undertake on its own initiative the investigations it deems necessary into cases involving violations of human rights brought to its notice;

(h) After obtaining an order from the competent judge, to inspect any premises or installations concerning which there are good grounds for belief that they constitute violations of any human right. There is no requirement to give prior notice of the inspection to the officials or other responsible persons who are directly or indirectly in charge of the premises or installations in question;

(i) To require individuals, officials and public employees of any level to present themselves at the premises or installations referred to in the previous paragraph, to produce immediately on demand all types of books, documents, files and archives (including those stored in computers), for which purpose he shall be accompanied by suitable technicians, the whole subject to the provisions of articles 26 and 30 of the Constitution of the Republic of Guatemala;

(j) To censure publicly the persons materially or conceptually responsible for the violations of human rights where the investigation concludes that these have occurred;

(k) To organize the Office of the Human Rights Procurator and to appoint, discipline and dismiss its staff members in accordance with the regulations applicable;

(l) To prepare the draft annual budget of the Office and submit it to the Human Rights Committee of the National Congress for inclusion in the general income and expenditure budget of the State.

542. Article 20 of Decree No. 54-86, as amended by Decree No. 32-87 (both Congress decrees), empowers the Procurator and his deputies to intervene in cases of claims or complaints concerning violations of human rights in any part of the country.

543. Article 21 of the same instrument provides that the Procurator shall protect the individual, social, civic and political rights covered by title II of the Constitution and fundamentally life, freedom, justice, peace, the dignity and equality of individuals and the rights defined in international treaties or conventions accepted and ratified by Guatemala.

6. The Supreme Electoral Tribunal

544. Article 223 of the Constitution guarantees freedom of establishment and functioning of political parties without any restrictions save those imposed by the Constitution and by law. All matters relating to the exercise of voting rights, political rights and organizations and electoral authorities, bodies and processes are to be regulated by the Constitutional Act on the subject (see paragraphs 489-494).

545. Article 125 of the Act concerning elections and political parties assigns to the Supreme Electoral Tribunal the following functions and obligations:

(a) To ensure faithful compliance with the Constitution and the laws and regulations guaranteeing to the citizens the right of organization and of participation in the political process;

(b) To announce and organize electoral proceedings; to declare the results and validity of elections (or, if appropriate, to declare them partially or totally invalid); and to adjudge elective offices, notifying to citizens the official declaration of their election;

(c) To give final rulings on matters relating to the electoral rolls brought to its notice through an appeal or a request for advice;

(d) To comply with, and ensure compliance with, the statutory provisions concerning political organizations and electoral processes and to introduce measures designed to enforce those provisions;

(e) To rule on matters relating to the registration, disciplining and dissolution of political organizations;

(f) To make final rulings on matters relating to coalitions or amalgamations of political parties and civic electoral committees;

(g) To appoint the members of the departmental and municipal electoral boards, to remove individual members where there are good grounds for doing so and to ensure that the boards function satisfactorily;

(h) To ensure that the boards responsible for polling stations are constituted properly and in good time;

(i) To investigate and deal with any matter within its competence of which it learns through its own activities or through complaints;

(j) To refer to the courts all actions coming to its notice which fall within its field of competence and constitute crimes or offences;

(k) To request the assistance of the police forces in order to guarantee the normal functioning of the electoral process, such assistance to be provided immediately and on an adequate scale;

(l) To rule on petitions and requests for advice relating to matters falling within its field of competence and submitted to it by citizens or political organizations;

(m) To rule on appeals of which it is by law required to take cognizance;

(n) To examine and assess electoral documentation;

(o) To appoint, dismiss and discipline its officials and staff members;

(p) To establish its internal rules and those of the other electoral bodies;

(q) To prepare and implement its annual budget;

(r) To compile and publish case-law on electoral matters;

(s) To publish reports on electoral processes and their results as and when necessary;

(t) To apply, in accordance with the Act concerning the judiciary, the legal provisions relating to electoral matters and the registration and functioning of political organizations.

546. Article 153 of the Act concerning elections and political parties provides that the electoral institutions are :

(a) the electoral rolls;

(b) the departmental electoral boards;

(c) the municipal electoral boards;

(d) the boards in charge of polling stations.

7. The Presidential Commission for Coordinating Executive Policy in the Field of Human Rights

547. Article 1 of Government Decision No. 549-91, dated 16 August 1991, provides for the establishment of a Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (to be known by the acronym COPREDEH), the purpose of which is to coordinate the activities of ministries and institutions of the Executive designed to make the existence and protection of human rights effective and to guarantee communication and cooperation by the President of the Republic with the judiciary and the Office of the Human Rights Procurator in matters relating to such rights.

548. Thus article 1 of Government Decision No. 222-94, dated 13 May 1994, reads as follows:

"Article 1. Article 2 of Government Decision No. 486-91 dated 12 July 1991 is amended to read as follows:

"Article 2. Composition. The Commission shall consist of a Chairman nominated by the President of the Republic, who shall represent the latter and preside over the Commission, and the Ministers of External Affairs, the Interior and National Defence, the head of the Public Prosecutor's

Department and the Coordinator of the Peace Commission. In exceptional circumstances the Ministers of State, the Head of the Public Prosecutor's Department and the Coordinator of the Peace Commission may delegate representation to a high-ranking official from their respective departments'."

549. Article 4 of Decision No. 486-91 specifies the functions of the Commission as follows:

(a) To ensure effective communication and cooperation with the judiciary and the Office of the Human Rights Procurator in matters relating to the safeguarding of those rights;

(b) To coordinate the activities being carried on by the Ministries of State or institutions of the Executive in their respective areas of competence to implement the policy of protection of human rights being pursued by the Executive;

(c) To centralize information on complaints concerning violations of human rights occurring within the country and to promote their investigation through the Ministry of the Interior or the Public Prosecutor's Department;

(d) To establish machinery to exercise continuous follow-up on investigations into violations of human rights and the ensuing legal proceedings in order to be able to provide information, through the Ministry of External Affairs, to the international community or international organizations on request;

(e) To study and propose to the President of the Republic drafts of innovations in the legislation concerning human rights which are deemed to contribute to improving respect therefor in Guatemala;

(f) To promote international cooperation and financial and technical assistance designed to improve and strengthen the democratic institutions responsible for guaranteeing the rule of law within the country;

(g) To establish, through the Ministry of External Affairs, links with the international organizations concerned with the protection of human rights for purposes of cooperation, information and assistance.

D. Remedies available to individuals alleging violations of any of their rights

1. The Constitution of the Republic

550. Article 44(3) of the Constitution specifies that any law or government measure, and any measure of any other kind, which curtails, restricts or circumvents the rights guaranteed by the Constitution shall be ipso jure null and void.

551. As a consequence, article 45 of the Constitution provides that proceedings to bring violators of human rights to justice shall be public and may be undertaken on the basis of a simple complaint without deposit of a bond or any formality. Popular resistance is legitimate where it is directed to the protection and defence of the rights and guarantees enshrined in the Constitution.

552. Article 138 of the Constitution requires the State and the authorities to ensure at all times that the inhabitants of the country have full enjoyment of the rights guaranteed by the Constitution.

553. Article 155 states that if a dignitary, an official or an employee of the State infringes the law to the prejudice of individuals in the performance of his duties, the State or the State institution employing him shall be jointly liable for the prejudice he has caused. The civil liability of public officials and employees may be invoked until the statute of limitations becomes applicable (i.e., after 20 years). Criminal liability in such cases ends after twice the period specified by law for the statute-barring of the sentence.

554. Neither Guatemalans nor non-Guatemalans may claim compensation from the State in respect of damage or prejudice caused by armed uprisings or civil disorders.

555. Article 263 of the Constitution states that any person who is illegally arrested or detained or otherwise restricted in the enjoyment of his personal freedom, is threatened with loss of that freedom or suffers ill-treatment, even if his imprisonment or detention has a legal basis, has the right to demand to be immediately brought before a court in order either to obtain the restoration or guarantee of his freedom or to secure the cessation of the ill-treatment or coercion to which he is being subjected. If the court orders the release of the illegally detained person, he is freed on the spot. If the detained person so requests or the judge or the court considers it desirable, the appearance may take place where the person is being held, without prior notice of any kind. The personal appearance of the detainee in respect of whom the application has been made is obligatory.

556. Article 265 establishes the right of amparo to protect individuals against threats of violations of their rights or to restore enjoyment of those rights following violations. There is no area in which amparo does not apply, and it shall be applicable in all cases where an act, a decision, a provision or a law contains any implicit threat to, or restriction or violation of, the rights guaranteed by the Constitution and the law.

557. Article 266 states that in specific cases, in any legal proceedings before any court, in any jurisdiction, at any level and in cassation, and up to the point where sentence is pronounced, the parties may enter an appeal, a plea or interlocutory proceedings on grounds of the total or partial unconstitutionality of a law. The court is required to rule on the question.

558. Article 267 provides that proceedings to challenge laws, regulations or provisions of a general nature on grounds of unconstitutionality giving rise to partial or total nullity shall be addressed directly to the tribunal or court of constitutionality.

2. The Amparo, Habeas Corpus and Constitutionality Act

559. Article 1 of the Amparo, Habeas Corpus and Constitutionality Act defines the purpose of the Act as being to develop guarantees and safeguards of the constitutional order and the inherent rights of the person as protected by the Constitution, the law and international conventions ratified by Guatemala.

560. Article 58 of the Act states that if a dignitary, an official or an employee gives cause for invocation of amparo in the performance of his office, duties or tasks, the State, the institution or the person employing him shall be jointly liable for the prejudice he has caused. The entity paying has a right of recourse against the offender for the amount of the damages it has paid.

561. Under article 59, where a court rules, either by award or by subsequent decision, that damages are payable, it shall fix the money amount thereof, or at least establish the basis on which the amount is to be determined or leave the determination of the amount to experts, this to be effected through the intervention procedure. In addition to the cases established by law, the court may, after giving sentence, and at the request of any party, award additional damages in cases of delay or refusal to comply with the sentence.

562. Article 60 provides that the Court of Constitutionality shall hear all appeal proceedings brought relating to amparo.

563. Article 61 provides that appeals may be made against sentences relating to amparo; judicial decisions refusing, conceding or revoking provisional amparo; decisions fixing the amounts of costs and damages; and decisions terminating proceedings.

564. An appeal must be entered within the 48 hours following the final notification. Consequently article 63 of the Act provides that appeals may be entered by the parties, the Public Prosecutor's Department and the Human Rights Procurator.

565. Under article 68 the Court of Constitutionality may quash judicial decisions if a study of the proceedings establishes that the provisions of the law have not been observed. The proceedings thus annulled must be started afresh.

566. Article 69 provides that the only types of action permitted in respect of rulings of the Court of Constitutionality relate to clarification or adjunct; but the judges which issue them are responsible in accordance with the law.

567. Article 72 provides that if any of the parties concerned considers that, in amparo proceedings and enforcement, the court concerned has failed to comply with the law or to enforce the sentence, he may address a complaint to the Court of Constitutionality requesting it, following a hearing ***, to rule on the matter. If the opening of proceedings is justified, a certificate to that end will be issued and sent to the court concerned immediately.

568. Article 82 of the Act provides that any person who is illegally arrested or detained or otherwise restricted in the enjoyment of his personal freedom, is threatened with loss of that freedom or suffers ill-treatment, even if his imprisonment or detention has a legal basis, has the right to demand to be

immediately brought before a court in order either to obtain the restoration or guarantee of his freedom or to secure the cessation of the ill-treatment or coercion to which he is being subjected.

569. Article 85 requires any court which learns by any means that a person is in the situation described in article 82 and is confined or simply being held, and that there is reason to fear that his whereabouts are uncertain, to institute and proceed with habeas corpus on its own initiative.

570. Under article 116, in specific cases, in any legal proceedings before any court, in any jurisdiction, at any level and in cassation, and up to the point where sentence is pronounced, the parties may enter an action, a plea or interlocutory proceedings on grounds of the total or partial unconstitutionality of a law with a view to having it declared inapplicable. The court is required to rule on the question.

571. Article 117 provides that the unconstitutionality of a law may be alleged in cassation proceedings at any time before the pronouncement of sentence. In such cases the Supreme Court of Justice shall, once the proceedings relating to unconstitutionality have been exhausted and before the cassation proceedings are concluded, shall give a ruling on the question of unconstitutionality together with its reasons therefor. If that ruling is appealed against, the case shall be referred to the Court of Constitutionality. Unconstitutionality may also be invoked as the grounds for the appeal; if this occurs the Court is obliged to hear the case.

572. Article 118 provides that if in specific cases unconstitutional laws or regulations are applied in administrative proceedings which by their nature appear valid and do not give grounds for amparo proceedings, the aggrieved party may only draw attention to the fact during the administrative proceedings concerned. In such cases the question of unconstitutionality must be examined in proceedings before an administrative tribunal within 30 days of the date on which the decision became final, such proceedings to be conducted in accordance with the procedures for considering the unconstitutionality of a law in a specific case. However, if unconstitutionality was not invoked before the administrative tribunal, it may be invoked as grounds for an appeal in cassation in the manner described in article 117.

573. Article 119 of the Act provides that in labour matters, in addition to the general rules applicable in all court proceedings, where the unconstitutionality of a law is invoked in proceedings relating to a collective labour dispute, the labour court concerned shall pronounce on the matter.

574. Article 121 provides that, in proceedings alleging unconstitutionality in specific cases, the court shall hear the Public Prosecutor's Department and the parties within the nine days following the lodging of the application. After expiry of that period a public hearing may take place if either of the parties so requests. The court shall deliver its ruling within three days. Its ruling is subject to appeal before the Court of Constitutionality.

575. Article 127 of the Act provides that decisions of the type described in article 121 and decisions concerning unconstitutionality in other cases are subject to appeal. An appeal must be submitted, together with the grounds therefor, within three days.

576. Article 132 of the Act provides that if the competent court refuses to admit the appeal, the party which considers itself aggrieved may appeal on the facts to the Court of Constitutionality within three days following the refusal, requesting that the appeal be admitted.

577. Article 133 provides that proceedings concerning the unconstitutionality of laws, regulations or other measures of a general nature alleged to be partially or totally invalidated by reason of unconstitutionality shall be instituted before the Court of Constitutionality.

578. Article 134 of the Act states that proceedings concerning the unconstitutionality of laws, regulations or measures of a general nature may be legitimately instituted by :

(a) The governing body of the collegiate body of lawyers, acting through its president;

(b) The Public Prosecutor's Department, acting through the National Procurator-General;

(c) The Human Rights Procurator, in relation to laws, regulations or other measures of a general nature affecting matters within his area of competence;

(d) Any individual assisted by three registered and practising lawyers.

579. Article 142 of the Act states that there is no right of appeal against the decisions of the Court of Constitutionality or of other decisions taken in accordance with the provisions of article 138.

3. The Constitutional Act concerning public order

580. Article 26 of Decree No. 7 (the Act concerning public order) provides that the only recourse from any measure, order or decision taken under its provisions relates to liability in the manner prescribed by law.

581. Consequently article 27 provides that, notwithstanding the provisions of article 26, the remedy of amparo may be sought where, on grounds of implementation of the Act, violations occur of guarantees which are not included among those the exercise of which, in accordance of the Constitution of the Republic, may be restricted or which have not been restricted by an appropriate decree. The Act goes on to state that in any case the remedy of habeas corpus is available. The authorities may order that the persons concerned may be produced only within a prison. The remedy of habeas corpus is also available for the sole purpose of ascertaining the treatment to which the appellant is being subjected and, if appropriate, to end any ill-treatment to which he may be subjected. A person may be produced inside a prison if the competent executive authority so decides (article 27 of the Act).

582. Article 28 of the Act provides that during a state of emergency of any degree a person may be detained without the need for a warrant for arrest or other court order if there are reasonable grounds for believing that he is the author of or an accomplice in acts prejudicial to public order or is concealing such acts. The detention shall last for such time as is necessary to establish

the facts and may not continue for more than 24 hours beyond the expiry of the validity of the decree restricting the guarantees in question. Once the emergency is over - and sooner if possible - the person shall be released; but if the investigation establishes that he is guilty of a crime or offence he shall be referred to the competent courts.

583. Article 29 of the Act also provides that a reasonable period of grace, bearing in mind the circumstances of the individual concerned, shall be allowed for the payment of fines inflicted. If on the expiry of that period the fine has not been paid, it shall be replaced by a term of imprisonment of a duration to be calculated in the manner specified in the Penal Code (articles 50-55). In no case may the period of grace referred to in the previous paragraph be less than 48 hours. During that period the person concerned may appeal for a review to the official who inflicted the fine; the latter must give his decision within two days.

4. The Act concerning elections and political parties

584. Article 133 of this Act provides that the remedies of adjunct and clarification are available against resolutions and decisions of the Supreme Electoral Tribunal.

585. Article 134 of this Act also states that final decisions of the Supreme Electoral Tribunal and the measures it takes in the exercise of its powers as defined in article 125 of the Act may form the subject of a special appeal under amparo in cases where the Constitutional Act on the subject so provides.

586. Article 187 provides that where the terms of a decision are unclear, ambiguous or contradictory, a petition for clarification may be entered. If one of the elements of the case has not been covered, an adjunct to the decision may be applied for. The petition must be entered within 48 hours following the decision, and a ruling must be given within the three days following its submission.

587. Article 188 of the Act provides that an appeal for reversal of a final decision of an office or a delegation of the electoral rolls authority may be addressed to the official who issued the impugned decision within the three days following the final notification.

588. Article 189 provides that an application for reversal once submitted must be referred to the director-general of the electoral rolls authority, together with the case history and the report of the official concerned; the decision must be taken within one week.

589. Article 190 provides for a right of appeal against final decisions of the director-general of the electoral rolls authority. An appeal must be lodged with that authority within three days of the date of the final notification. "Final decision" is taken to mean the decision which concludes a case, rules on an appeal for reversal or concludes other matters specifically mentioned in the Act. The same procedure is to be followed in all appeals admitted by the Act.

590. Article 191 of the Act states that, once an appeal has been lodged and those concerned notified, the case history and a detailed report shall be transmitted to the Supreme Electoral Tribunal within three days. The tribunal

shall hear the parties, and, whether or not they respond to the summons, shall issue its decision within one week. The tribunal shall receive afl evidence offered to it and may request any reports it considers relevant.

591. At the same time article 192 provides that the only right of appeal against a decision of the Supreme Electoral Tribunal lies under amparo in the cases specified in the relevant Act.

592. Article 194 of the Act states that the electoral process must be conducted in an environment of freedom and full application of constitutional rights. No restriction of any kind on those freedoms and rights may be in force, and a state of emergency may not be declared, while the electoral process is continuing.

593. Article 217 of the Act states that, from the time of their registration onwards, no candidates for the office of President or Vice-President may be detained or put on trial unless the Supreme Court of Justice decides that there are good grounds for doing so. Candidates for posts of Parliamentary deputy or mayor are similarly immune unless the competent chamber of the Court of Appeal makes a similar declaration. Excepted are cases of candidates detained in flagrante delicto; they are to be brought before the courts immediately for appropriate action. If the court decides that proceedings are justified, the registration of the candidate must be cancelled.

594. Article 246 of the Act provides that a remedy of nullity exists against all acts committed during the electoral process. The appeal must be lodged within the three working days following the final notification; it must be lodged with the authority concerned and shall be dealt with by the Supreme Electoral Tribunal within three days of receipt.

595. Following this, article 247 of the Act provides for a right of appeal for review of decisions of the Supreme Electoral Tribunal. The appeal must be lodged with the tribunal within three days of notification of the person concerned and will be dealt with during the three days following receipt; the latter period may be extended by two days to permit the gathering of relevant evidence of any kind.

596. Article 248 provides that a right of appeal under amparo exists against final decisions of the Supreme Electoral Tribunal in cases specified in the relevant Act provided that the rights of appeal provided for in article 247 of the same Act have been exhausted.

IV. INFORMATION AND PUBLICITY

597. The Government of the Republic of Guatemala is promoting dissemination and information programmes concerning a human rights culture by means of publications issued under the responsibility of the government printer. They cover, inter alia, the following subjects:

(a) What are human rights ?

(b The United Nations and human rights;

(c) The International Human Rights Charter;

(d) Social communications media and human rights;

(e) An international manual of human rights;

(f) A fourth approach to criminological problems.

598. Articles on various aspects of human rights are published in the Official Gazette twice weekly.

599. Thus the Government of Guatemala is making continual efforts to implant within the population and the competent authorities a knowledge of the human rights enshrined in the different international legal instruments of which Guatemala is a signatory. The government is also conducting large-scale extension campaigns among the population by means of posters referring to the subject of knowledge of human rights. Radio programmes covering the entire country, and television programmes aimed more particularly at urban areas, are also organized.

600. Seminars, workshops and open discussion groups have been organized in the administrative seats of departments and some municipal areas with a view to achieving wide dissemination of respect for and implementation of human rights.

601. Some newspapers in the capital have begun publishing texts in Mayan languages; but these texts have not had the anticipated disseminatory impact, as the circulation of written social communications media is confined to urban areas, and the target population in the rural areas is not reached. It should be mentioned that publications have in the past ben issued in mam, quiché, cakchiquel and kekchí.

602. There are several State institutions with responsibilities in the field of information and publicity relating to human rights; these include in particular the Office of the Human Rights Procurator and the Ministries of Education and the Interior. The latter, through the intermediary of the Directorate for Information and International Affairs, publishes texts and brochures on the subject of human rights which are distributed continuously through educational establishments throughout the country and institutions engaged in the defence and implementation of human rights. Editions in the languages of Maya origin are at present being prepared in order to obtain coverage of the entire country.

603. A brochure described as a code of conduct for officials responsible for enforcing the law has also been published; it has been distributed to all State departments and bodies for information and action.

604. Most of the publications produced within the Ministry of the Interior have benefitted from the technical and financial support of the United Nations.

605. The State of Guatemala has, through various institutions, carried out educational activities relating to human rights and : women; children; youth; cultural centres; the civilian security forces; workers; the cooperative movement; indigenous cooperatives; and teachers throughout the country.

606. As regards the question of whether the content of reports forms the subject of public debate, no activities of that kind have yet been undertaken. However, it is hoped that in future years the different groups within society

concerned with respect for and implementation of human rights will be aware of the contents of reports.

607. A participative methodology involving every sector of society in the country is being implemented with a view to securing the participation of all of them in the more objective framing of the reports.